



# भारत का राजपत्र

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सं 39]

नई दिल्ली, शनिवार, सितम्बर 29, 1990/आस्विन 7, 1912

No. 391 NEW DELHI, SATURDAY, SEPTEMBER 29, 1990/ASVINA 7, 1912

इस भाग में भिन्न पृष्ठ संख्या वी आती है जिससे कि यह अलग संकालन के लिए में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—कांड 3—उप-कांड (ii)  
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांबिधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than  
the Ministry of Defence)

गृह मंत्रालय

(आमनेरिक सूची विभाग )

(पुनर्वाप्ति प्रभाग)

नई दिल्ली, 31 अगस्त, 1990

का.आ. 2521—विस्थापित व्यक्ति (प्रतिक्रिया पूनर्वाप्ति) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वाग गृह मंत्रालय, पुनर्वाप्ति प्रभाग में उप अधिक श्री कुलवीर राय को दिनांक 27-7-90 से उक्त अधिनियम के द्वारा अधिकतम अधीत उन्हें संयुक्त मुख्य बन्दोबस्तु आयुक्त के लिए सौंपे गये कार्यों का निपादन करने के लिए उक्त मुख्य बन्दोबस्तु आयुक्त नियुक्त करनी है।

[नं. कांड-1 (1)/विभाग क्रम/90-प्रस. प्रम.-II एस.]

गतन साल, अवर गविर

MINISTRY OF HOME AFFAIRS

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 31st August, 1990

S.O. 2521.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compen-

sation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoint Shri Kuldip Rai, Deputy Secretary in the Ministry of Home Affairs, (Rehabilitation Division) as Joint Chief Settlement Commissioner for the purpose of performing the functions assigned to such Joint Chief Settlement Commissioner by or under the said Act with effect from 27th July, 1990.

[No. 1(1)/Spl. Cell/90-SS.II/S]

RATTAN LAL, Under Secy.

कार्मिक, सोफ पिकाप्त तथा पैशन मंत्रालय

(कार्मिक और प्रणितन विभाग)

प्राप्ति

नई दिल्ली, 13 सितम्बर, 1990

का.आ. 2522—केन्द्रीय सरकार, दिल्ली विभाग ने नियम स्वापन अधिनियम, 1946 (1946 का अधिनियम नं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, विहार राज्य सरकार द्वीप पठित से, [एस.मी.स. 3/सी4/10435/87 (लंबा. पा. आ. दिनांक 25-6-1990)] श्री प्रनवाद (द्वारा), विभाग पूलिस

स्थान के सदस्यों एवं प्रमितियों की विधिकारिता का नियन्त्रित करना जो के अधीन सा के लिये गम्भीर विवाह वा विवाह वारसी है।

(क) श्री बालिमी शर्मा, भूतपूर्व लेखापाल, जिला शिक्षा अधीक्षक का कार्यालय गया द्वारा 42 लाख रुपये के बजेन से संबंधित अपराध के संबंध में भारतीय दंड मंहिता की धारा 120-वीं, 420, 467, 108, 471 और 193 के गाथ पटिन दंड प्रक्रिया मंहिता की धारा 195 और पी.सी.ए.पट. 1947 की धारा 5(2) के गाथ पटिन धारा 5(1)(ग) पांच (प्र) समरूपी पी.सी.ए.पट. 1988 की धारा 13(1)(ग) पांच (प) के साथ पटित धारा 13(2) के अद्वितीय दंडनीय अपराध।

(ख) अपर वर्णित अपराधों में से किसी एक या अधिक अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले वैमे ही संबंधित अपराधों के अनुक्रम में किये गये किसी अन्य अपराध या अपराधों के संबंध में या उनसे संबंधित प्रयत्न, दृष्टिरेणा और वर्णन।

[मंख्या 228/7/88-ए.वी.सी.-II]

जी. सीतारामन, अवर अधिकारी

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS**

(Department of Personnel & Training)

**ORDER**

New Delhi, the 13th September, 1990

S.O. 2522.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Bihar (vide consent order No. SC No. 3/C 4/10435/87 (Part) H(P) dated 25th June, 1990 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Bihar for investigation of offences as hereunder:—

- (a) Offences punishable under section 120-B, 420, 467, 468, 471 and 193 Indian Penal Code read with 195 Cr. P.C. and section 5(2) read with section 5(1)(c) and (d) of Prevention of Corruption Act, 1947 corresponding to section 13(2) read with section 13(1)(c) and (d) of Prevention of Corruption Act, 1988 in regard to the crime relating to embezzlement of Rs. 42 lacs by Sri Balram Sharma, Ex. Accountant of District Education Office, Gaya.
- (b) Attempts, abettments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/7/88-AVD. II]

G. SITARAMAN, Under Secy.

विवर मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 19 जूलाई, 1990

(आय-कर)

का.प्रा. 2523—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 10 के लंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा “सर्वेदस आक ईंडिया सोसायटी, पुणे” को उक्त उपखंड के प्रयोजनार्थ वर्स-निवारण वर्ष 1988-89 तथा 1989-90 के लिये अधिसूचित करती है।

[सं. 8709/फा.सं. 197/103/90-प्रा. कर(नि.-1)]

**MINISTRY OF FINANCE**

(Department of Revenue)

New Delhi, the 19th July, 1990

**(INCOME-TAX)**

S.O. 2523.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Servants of India Society, Pune” for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8709/F. No. 197/103/90-IT (A-I)]

नई दिल्ली, 30 जूलाई, 1990

(आय-कर)

का.प्रा. 2524—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 80G की उपधारा (2) के लंड (४) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा “अरुल्मिगु मानाकुला विनयार थिस्कायल (मन्दिर), पांडिचेरी” को उक्त धारा के प्रयोजनार्थ पांडिचेरी मध्य राज्य क्षेत्र में एक सार्वजनिक प्रयोग पूजा-स्थल एवं ऐतिहासिक महत्व के स्थल के रूप में अधिसूचित करती है।

[सं. 8715/फा.सं. 176/67/88-प्रा. कर (नि.-I)]

New Delhi, the 30th July, 1990

**(INCOME-TAX)**

S.O. 2524.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Arulmigu Manakula Vinayager Thirukoil (Temple), Pondicherry” to be a place of public worship of renown and of historical importance throughout the Union Territory of Pondicherry for the purpose of the said section.

[No. 8715/F. No. 176/67/88-IT (-I)]

नई दिल्ली, 31 जूलाई, 1990

(आय-कर)

का.प्रा. 2525—प्रधिनियम, 1961 (1961 का 43) की धारा 80G की उपधारा (2) के लंड (४) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा “अरुल्मिगु श्रीरामेश्वर मन्दिर, कीलायर, तमिलनाडु” को उक्त उपधारा के प्रयोजनार्थ तमिलनाडु राज्य में ऐतिहासिक महत्व के स्थानों में से एक स्थान के रूप में अधिसूचित करती है।

[सं. 8716/फा.सं. 176/37/89-प्रा. कर (नि.-I)]

New Delhi, the 31st July, 1990

**(INCOME-TAX)**

S.O. 2525.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Arulmigu Veerateswarar Temple, Kclaiyur, Tamilnadu” as one of historical importance in the State of Tamilnadu for the purpose of the said section.

[No. 8716/F. No. 176/37/89-IT (A-I)]

(आय-कर)

का.पा. 3526—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा जारी किये जाने वाले निम्नलिखित रूप में वर्णित ऋणपत्रों के स्वरूप के बंधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभार्य हैं:—

[सं. 8717(का.सं. 197/34/89-आ. कर(नि. 1)]

आनन्द किशोर, अध्यक्ष सचिव

## (INCOME-TAX)

S.O. 2526.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 16 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Archdiocese of Trivandrum" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8717/F. No. 197/34/89-IT (A-I)]

ANAND KISHORE, Under Secy.

आदेश

नई दिल्ली, 11 सितम्बर, 1990

## (स्टाम्प)

का.पा. 3527—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा उक्त शुल्क को माफ करती है जो विद्युत वित्त निगम निमिट्ट द्वारा जारी किये जाने वाले तीन सी और पचास करोड़ रुपये मात्र के मूल्य के "9% कर-मुक्ति पी एफ सी बंधपत्रों (चौथी श्रृंखला)" के रूप में वर्णित ऋणपत्रों के स्वरूप के बंधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभार्य है।

[सं. 26/90-स्टाम्प-फा.सं. 33/16/90-वि.क.]

## ORDER

New Delhi, the 11th September, 1990

## (STAMPS)

S.O. 2527.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the bonds in the nature of debentures described as "9 per cent Tax Free PFC Bonds (IV Series)" of the value of rupees three hundred and fifty crores only to be issued by the Power Finance Corporation Limited are chargeable under the said Act.

[No. 26/90-Stamp-F. No. 33/16/90-ST]

आदेश

नई दिल्ली, 10 सितम्बर, 1990

## (स्टाम्प)

का.पा. 3528.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा जारी किये जाने वाले निम्नलिखित रूप में वर्णित ऋणपत्रों के स्वरूप के बंधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभार्य है:—

(1) दो सौ करोड़ रुपये के मूल्य के 9% कर-मुक्त बंधपत्र,

(2) दो सौ करोड़ रुपये के मूल्य के 13% कर-देय बंधपत्र।

[सं. 25/90-स्टाम्प-फा.सं. 33/48/90-वि.क.]

## ORDER

New Delhi, the 10th September, 1990

## (STAMPS)

S.O. 2528.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures described as:

(i) 9 per cent tax free bonds of the value of rupees two hundred crores;

(ii) 13 per cent taxable bonds of the value of rupees two hundred crores;

to be issued by Neyveli Lignite Corporation Limited are chargeable under the said Act.

[No. 25/90-Stamp-F. No. 33/48/90-ST]

आदेश

नई दिल्ली, 12 सितम्बर, 1990

## (स्टाम्प)

का.पा. 3529—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा उक्त शुल्क को माफ करती है जो शिपिंग एंड इंडस्ट्रीज कंपनी द्वारा इंडिया लिमिटेड द्वारा जारी किये जाने वाले निम्नलिखित के रूप में वर्णित प्रामिसरी नोटों के स्वरूप के बंधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभार्य है:—

(1) पच्चीस करोड़ रुपये मात्र के मूल्य के "11.5% कर-देय बंधपत्र (तीसरी श्रृंखला)";

(2) पचास करोड़ रुपये मात्र के मूल्य के "9% कर-मुक्त बंधपत्र (चौथी श्रृंखला)";

(3) पचास करोड़ रुपये मात्र के मूल्य के "13% कर-देय बंधपत्र (पांचवीं श्रृंखला)";

[सं. 29/90-स्टाम्प-एफ सं. 33/68/90-वि.क.]

## ORDER

New Delhi, the 12th September, 1990

## (STAMPS)

S.O. 2529.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as:

(i) "11.5 per cent taxable bonds (series 3)" of the value of rupees twenty five crores only;

(ii) "9 per cent tax-free bonds (series 4)" of the value of rupees fifty crores only; and

(iii) "13 per cent taxable bonds (series 5)" of the value of rupees fifty crores only,  
to be issued by the Shipping Credit and Investment Company of India Limited are chargeable under the said Act.

[No. 29/90-Stamp-F. No. 33/68/90-ST]

गुडि पत्र

नई दिल्ली, 12 सितम्बर, 1990

का. आ. 2530.—भारत के राजपत्र, भाग-II, खंड 3, उपखंड (ii), दिनांक 14 मई, 1988 में पृष्ठ 1939 पर प्रकाशित भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) की अधिसूचना संख्या का. आ. 1469, वित्तांक 3 मई, 1988 में :—

परिवर्त 6 में संख्या "2000" के स्थान पर "2001" पढ़िए।

[सं. 27/90-स्टाम्प-फा. सं. 33/30/88-वि. क.]

#### CORRIGENDUM

New Delhi, the 12th September, 1990

S.O. 2530.—In the notification of the Government of India in the Ministry of Finance (Department of Revenue), S.O. 1469, dated the 3rd May, 1988 published at page 1939 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 14th May, 1988 :—

In line 6 for the figures '2000' read '2001'.

[No. 27/90-Stamp-F. No. 33/30/88-ST]

शुद्धि पत्र

नई दिल्ली, 13 सितम्बर 1990

का. आ. 2531.—भारत के राजपत्र, भाग-II, खंड 3, उपखंड (ii) वित्तांक 7 अक्टूबर, 1989 में पृष्ठ 2997 पर प्रकाशित भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) की अधिसूचना संख्या का. आ. 2471, वित्तांक 15 सितम्बर, 1989 में :—

परिवर्त 7 में संख्या "47" के स्थान पर "48" पढ़िए।

[सं. 28/90-स्टाम्प फा. सं. 33/82/89-वि. क.]

वि. के. स्वामीनाथन, भवर सचिव

#### CORRIGENDUM

New Delhi, the 13th September, 1990

S.O. 2531.—In the notification of the Government of India in the Ministry of Finance (Department of Revenue) S.O. 2471, dated the 15th September, 1989 published at page 2997 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 7th October, 1989 :—

In line 7 for the figures '47' read '48'.

[No. 28/90-Stamp-F. No. 33/82/89-ST]

V. K. SWAMINATHAN, Under Secy.

[महानिदेशक (भायकर छूट) का आमंत्रण]

कलकत्ता, 28 अगस्त, 1990

भायकर

का. आ. 2532.—सर्वमध्यारण की सूचना के लिये एक ध्वनि 1961 की धारा 35 (पंतीग/एक/दो) की उपयाया (1) के व्यष्टि (ii) के सिये, सचिव, वैज्ञानिक और अनुसंधान औद्योगिक विभाग की सहमति से आयकर विभाग, 1962 नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संघ" प्रयोग के अधीन अनुमोदित किया गया है।

(1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक प्रलग लेना रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान मंत्री कार्यकालपांकों का एक व्यापिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक व्यवस्था, एम्हरस्टी रोड, नई दिल्ली 110016 को भेजेगा।

(3) यह प्रत्येक वर्ष की 30 जून, तक, लेख-प्रतिवित वार्षिक लेखों की एक प्रति अपनी व्यय, आस्तियों एवं देनदारियों के विवरण महिला, (क) महानिदेशक (आयकर छूट) (ज) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयकर आयकर निदेशक (छूट) जिनके धोत्राविकार में पड़ता है, को प्रस्तुत करेगा।

संगठन का नाम

इंस्टीट्यूट अब किडनी इस्सिसेंग एण्ड रिसर्च मेन्टर बि. जे. मैडिकल कालेज एण्ड रिसर्च इन्स्टीट्यूट, निक ब्याक ग्राउण्ड फ्लोर अहमदाबाद 380016 गुजरात

यह अधिसूचना दिनांक 1-4-1990 से 31-3-1991 तक जी अधिकारी के लिये प्रभावी है।

टिप्पणी: संगठन को अनुमोदन की अवधि बढ़ाने के लिये अनुमोदन की समाप्ति के तीन माह तूर्च आयकर आयकर निदेशक (छूट) जिसके कानूनिकार में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतिवर्षों में आवेदन करने के लिये सुझाव दिया जाता है। विशेष मामलों में, जहां अनुमोदित आवेदन उपर्युक्त तीन माह की समाप्ति पर अधिया उक्त अवधि की समाप्ति के ठीक पूर्ण प्राप्त हुआ हो, संगठन अनुमोदित आवेदा प्राप्त करने परवाह यथाशील अनुमोदन की अवधि बढ़ाने के लिए आवेदन करें। इस अनुमोदन की अवधि बढ़ाने के सम्बन्ध में किए गए आवेदन पत्र की 6 प्रतिवर्ष सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[सं. 233/फा. सं. शी.जी./जी 1/कल 35(1) (ii) 89-

आ.कर (छूट)]

[Office of the Director General of Income-tax (Exemptions)]

Calcutta, the 28th August, 1990

(INCOME-TAX)

S.O. 2532.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General of Income-tax (Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016

for every financial year by 31st May of each year; and

(ii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.

#### NAME OF THE ORGANISATION

Institute of Kidney Diseases and Research Centre,  
B. J., Medical College and Civil Hospital,  
New Block, Ground Floor,  
Ahmedabad-380016, (Gujarat).

This Notification is effective for the period from 1-4-1990 to 31-3-1991.

NOTE.—The Organisation is advised to apply (in triplicate) for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the Organisation, three months before the expiry of the approval. In exceptional cases where the order granting approval is received after the expiry of the period of three months aforesaid or shortly before the expiry of the said period, the organisation may make an application for extension of approval as soon as possible after the receipt of the order of approval. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 233/F. No. D.G./G-1/Cal/35(1)(ii)|89-IT(E)]

कलकत्ता, 30 अगस्त, 1990

आयकर

का. प्रा. 3533.—सर्वेमाधारण की सूचना के लिए एन्ड्रायरा यह प्रधिसूचित किया जाता है कि निम्नलिखित संगठन को, आयकर प्रवित्तियम् 1961 की शारा 35 (पर्तीस एक/दो) की उपषारा (i) के लिए (ii) के लिए, सचिव, वैज्ञानिक और औद्योगिक प्रतुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी प्रथम् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर “सम्मा” प्रवर्ग के अधीन प्रतुसंधान किया गया है।

- (1) संगठन वैज्ञानिक प्रतुसंधान के नियम प्राप्त धन के लिए एक आग्रह लेखा रखेगा।
- (2) यह आपने वैज्ञानिक प्रतुसंधान मंसंधी कार्यकलापों का एक वायिक विवरण प्रत्येक वर्तीय वर्ष के लिए, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक प्रतुसंधान विभाग, औद्योगिक भवन, स्थू मेहरौली रोड, मई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखापरीक्षित वार्षिक लेखों की एक प्रति अपनी ध्यान, आस्तियों एवं देनशारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक प्रतुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकर में पड़ता है, को प्रस्तुत करेगा।

संगठन का नाम

भारतीय वैज्ञानिक सम्मिलित और आयकर महाविद्यालय इन्डियन  
नॉटर्स प्रॉफेशनल्स-140009

यह अधिकृत दिनांक 1-4-90 से 31-3-91 तक की अवधि के लिये प्रभावी है।

टिप्पणी संगठन का प्रतुसंधान की अवधि बढ़ाने के लिये अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकर में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतिवर्षों में आयकर नियम के लिये सुनिश्चित किया जाता है। विशेष समाजों में, जहाँ अनुमोदित आयें उपर्युक्त तीन माह की समाप्ति पर अवधा उत्त प्रवधि की समाप्ति के ठीक पूर्व प्राप्त हुआ हो, संगठन अनुमोदित आदेश प्राप्त करने के पश्चात यथावृत्त अनुमोदन की प्रवधि बढ़ाने के लिए आवेदन करें। इस प्रतुसंधान की अवधि बढ़ाने के सम्बन्ध में किए गए आवेदन-पत्र का 6 प्रतिवर्षा सचिव, वैज्ञानिक और औद्योगिक प्रतुसंधान विभाग को प्रस्तुत करना है।

[स. 234(फा. स. डी. जी./एम-48/कल/35(1)(ii) 8-मा.  
कर (छूट))

जे. चक्रवर्ती, उपनिदेशक आयकर (छूट)

Calcutta, the 30th August, 1990

#### (INCOME-TAX)

S.O. 2533.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General of Income-tax (Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category “Institution” subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.

#### NAME OF THE ORGANISATION

Bhartiya Vaidyak Samanvaya Samiti,  
Shri Ayurved Mahavidyalaya,  
Hanuman Nagar,  
Nagpur-440009.

This Notification is effective for the period from 1-4-1990 to 31-3-1991

NOTE.—The organisation is advised to apply (in triplicate) for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. In exceptional cases where the order granting approval is received after the expiry of the period of three months aforesaid or shortly before the expiry of the said period, the organisation may make an application for extension of approval as soon as possible after the receipt of the order of approval. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 234/F. No. D.G./M-48/Cal/35(1)(ii)|89-IT(E)]  
J. CHAKRABORTY, Dy. Director (I. T. Exemptions)

(भार्यक फायूं विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 7 सितम्बर, 1990

का. ग्रा. 2534.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10), की धारा 6 की उप-घारा (i) के खण्ड (3) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए केंद्रीय सरकार एवं द्वारा “किराया-खरीद” को एक व्यवसाय के रूप में विनियिष्ट करती है जिसमें बोई बैंकिंग कम्पनी कानूनी तौर पर हिस्सा ले सकती है।

[मंज्या 15/6/89-बी.ओ. -III]

प्राण नाथ, भवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi the 7th September, 1990

S.O. 2534.—In exercise of the powers conferred by Clause (o) of the sub-section (1) of section 6 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby specifies “hire-purchase” as a form of business in which it is lawful for a banking company to engage.

[No. 15/6/89-B.O. III]

PRAN NATH, Under Secy.

नई दिल्ली, 12 सितम्बर, 1990

का. ग्रा. 2535.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ परिवर्त धारा 53 द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए, केंद्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, यह घोषित करती है कि, उपरोक्त अधिनियम की धारा 11 की उप-घारा (1) के उपर्यंथ, वीरभूमि जिला केंद्रीय सरकारी बैंक लि., वीरभूमि (पश्चिम बंगाल) पर इस अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से लेकर 31 दिसम्बर, 1992 तक लागू नहीं होगी।

[एफ संज्या 6(1)/80-ए. सी.]

गी. के. तेजयाम, भवर सचिव

New Delhi, the 12th September, 1990

S.O. 2535.—In exercise of the powers conferred by Section 56 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act, shall not apply to the Birbhum District Central Cooperative Bank Ltd., Birbhum (West Bengal) from the date of publication of this notification in the official Gazette to 31st December, 1992.

[F. No. 6(1)/90-AC]

P. K. TEJYAN, Under Secy

(आई एक आई अनुभाग)

नई दिल्ली, 17 सितम्बर, 1990

का. ग्रा. 2535.—केंद्रीय सरकार, भौतिक वित्त विभाग अधिनियम, 1948 (1948 का 13) की धारा 21 की उप-घारा (2) के अनुसरण में भारतीय घौमोशीक वित्त विभाग के विदेश के बोई की सिफारिश पर उन्न नियम धारा 24 सितम्बर, 1990 को जारी किए जाने वाले और 24

सितम्बर, 2010 को परिवर्त होने वाले बाढ़ी पर देश व्याज की दर एतद्वारा 11.5 (साड़े ग्राहक प्रतिशत) वाविक निर्धारित करती है।

[का. स. 2(23)/90-आई. एफ. I]

बी. पी. भारद्वाज, भवर सचिव

(IF.I Section)

New Delhi, the 17th September, 1990

S.O. 2536.—In pursuance of sub-section 2 of Section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendation of the Board of Directors of the Industrial Finance Corporation of India, hereby fixes 11.5 per cent (eleven and a half per cent) per annum as the rate of interest payable on the bonds to be issued by the said Corporation on 24th September, 1990 and maturing on 24th September, 2010.

[F. No. 2(23)/90-IF.I]

V. P. BHARDWAJ, Under Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 13 सितम्बर, 1990

का. ग्रा. 1537.—केंद्रीय राजपत्र विभाग (कालिंग नियवण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा, 17 द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए, नियांत (क्वालिटी नियवण और निरीक्षण) नियम, 1964 का और समोधन करने के लिए निम्नलिखित नियम बनाती है, नियांत:—

- (1) इन नियमों का संक्षिप्त नाम नियांत (क्वालिटी नियवण और निरीक्षण (समोधन) नियम, 1990 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. नियांत (क्वालिटी नियवण और निरीक्षण) नियम, 1964 जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है, —

(क) नियम 13 के उप नियम (6) के स्थान पर, निम्नलिखित रखा जाएगा, नियांत:—

“(6) प्रावेश धारा प्रवृत्त 5 में अंगेन्त बधयत निष्पादित करने के पश्चात् केंद्रीय सरकार घावेक को प्रवृत्त 2 में अनुमोदन प्रमाणपत्र जारी करेगी जो एक वर्ष से अनधिक ऐसी प्रवृत्त के लिए जो इसमें विनियिष्ट की जाए, विधिमात्र होगा।”;

(घ) उक्त नियम में विश्वामी प्रस्ता 2 के स्थान पर निम्नलिखित प्रस्ता रखा जाएगा, नियांत:—

“काम सं. 2”

[नियम 13(6) देविए]

भारत सरकार

वाणिज्य मंत्रालय

परीक्षण संसद योग्यता प्रतिवेदन के अनुमोदन का प्रमाण पत्र।

नियांत (क्वालिटी नियवण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7(2) के अनुपार विभूत गकिया का अनुपालन करते हुए, परीक्षण सदन/सर्वेक्षकों/प्रतिवेदकों को जिनकी प्रविलिया नीते दी गई है, नियांत के लिए आवश्यक वस्तुओं के परीक्षण सर्वेक्षण अनुमति लेने के लिए केंद्रीय सरकार धारा अनुमोदित किया जाता है।

नाम:

पता:



(b) In the said rules, for existing Form II, the following form shall be substituted, namely:—

**"FORM NO. II**

[See Rule 13(6)]

GOVERNMENT OF INDIA  
MINISTRY OF COMMERCE

Certificate of approval of Testing House/Surveyor/Sampler.

In terms of section 7(2) of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the testing house/surveyors/sample(s) whose particulars are given below having complied with the prescribed procedure is/are approved by the Central Government for testing/surveying/sampling commodities that are intended for export.

Name :

Address :

Location of Laboratory/Testing House :

II. This approval enables its holder to carry out on behalf of the Agency, examination and testing of commodities notified under the Export (Quality Control & Inspection), Act, 1963 and specified herein, in accordance with the rules and orders issued thereunder. (Fee for such examination and testing will be paid to the holder by the Agency. No fee for such examination and testing is to be charged by the testing house/surveyor/sampler).

**COMMODITIES**

(1) \_\_\_\_\_  
(2) \_\_\_\_\_  
(3) \_\_\_\_\_  
(4) \_\_\_\_\_

III. This approval shall be valid from \_\_\_\_\_ to \_\_\_\_\_ and may be renewed as prescribed in the Export (Quality Control and Inspection) Rules, 1964.

Director,  
For and on behalf of the  
Government of India."

New Delhi,

Dated \_\_\_\_\_

(c) In the said rules, after existing Form IV, the following Form shall be inserted, namely:—

**"FORM NO. V**

**BOND**

[See Rule 13(6)]

To be signed by the Officer-in-charge of Testing House/Surveyor(s)/Sampler(s).

1. I/We hereby declare that we shall undertake Testing/Surveying/Sampling work as a recognised Testing House/Surveyor/Sampler in accordance with sub-section (2) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and shall comply with all the provisions of the guidelines issued by the Council from time to time for recognition.

2. I/We agree to give security deposit of Rs. 5,000 (Rupees Five thousand only) in the form of Bank Guarantee.

3. I/We shall charge fees for testing/surveying/sampling as per the rates stipulated by the Export Inspection Council.

4. I/We shall not charge fee for testing/sampling/surveying from the exporter.

5. I/We shall allow the officer(s) of Export Inspection Council or Export Inspection Agency to examine the docu-

ments regarding inspection/testing/surveying/sampling and shall produce any documents to them on demand in this regard.

6. I/We shall offer the officer of Export Inspection Council or Export Inspection Agency full co-operation in undertaking any check-test/verification to the testing, calibration and capability of the laboratory.

7. I/We shall communicate to Export Inspection Council any changes in equipments and/or personnel in the laboratory and shall submit report of testing/surveying/sampling in such periodicity as may be stipulated by the Export inspection Council.

8. I/We agree that the Director (Inspection & Quality Control), Export Inspection Council at his entire discretion may terminate the recognition in part or full without any notice or assigning any reason, if, in his opinion, the work entrusted to me/us is not being done in accordance with the instructions issued by Export Inspection Council from time to time.

9. I/We agree that Export Inspection Council and Central Government absolves itself against any legal or financial liability for any item or product tested/surveyed/sampled by me/us involving accident or damage to personnel/equipment/products at any time.

(Signature)

Name \_\_\_\_\_

Designation \_\_\_\_\_

Name of the Organisation \_\_\_\_\_

Dated : \_\_\_\_\_

Place: \_\_\_\_\_

[F. No. 3/41/89-EL&EP]

FOOT NOTE.—The principle rules were published vide S.O. 3317 dated 1st October, 1964 and subsequently amended by :

S.O. 3100 dated 29-09-1965  
S.O. 3965 dated 06-11-1967  
S.O. 277 dated 18-01-1969  
S.O. 2718 dated 23-07-1968  
S.O. 1855 dated 22-07-1972  
S.O. 0103 dated 06-01-1973  
S.O. 2603 dated 20-08-1977  
S.O. 2745 dated 23-09-1978  
S.O. 2496 dated 26-09-1981  
S.O. 5227 dated 26-01-1985  
S.O. 1551 dated 19-03-1983  
S.O. 5395 dated 30-11-1985  
S.O. 3030 dated 27-09-1986

आदेश

नई विधी, 14 सितम्बर, 1990

का. आ. 2538.—भारत के नियंत्रित व्यापार के विकास के लिए, भारत सरकार के व्यापार विभाग की प्रधिकृति द्वारा स. का.आ. 1025 तथा 1026 तारीख 19 प्रैले, 1980 के अधिकारण में बासमती चावल को बासमती नियंत्रण और नियंत्रण के अधीन लाने के लिए कनिष्ठ प्रस्ताव, नियंत्रित (बासमती नियंत्रण शीर परियोग) नियम, 1964 के नियम 11 के प्रतिनियम (2) की अपेक्षानुसार, भारत सरकार के व्यापार विभाग के प्रादेश स. का. आ. 408 तारीख 17 फरवरी, 1990 के अधीन भारत के राजपत्र भाग 2, खंड 3 उपक्रम (ii) तारीख 17 फरवरी, 1990 में प्रकाशित किए गए थे;

और उक्त आदेश के राजपत्र में प्रकाशित होने के पैकालीस दिनों के भीतर उन सभी व्यक्तियों से आदेश शीर ग्रहण मार्ग गए थे, जिनके उन्हें प्रभावित होने की सम्भावना थी।

और उक्त राजपत्र की प्रतियोजनता को 5-3-90 तारीख को उपलब्ध करा दी गयी थी;

और उक्त प्रालय पर जनता से प्राप्त मालियों और सुकारों पर केन्द्रीय सरकार द्वारा विवार कर लिया गया है,

अतः आज, नियांति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की नियांति निरीक्षण परिषद् से परामर्श करने के पश्चात् यह राय होने पर कि भारत के नियांति व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है।

(1) यह अविभूचित करती है कि बासमती चावल नियांति से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होगे;

(2) बासमती चावल नियांति (निरीक्षण) नियम, 1990 के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को ऐसा क्वालिटी नियंत्रण और निरीक्षण के रूप में विनिर्दित करती है जो नियांति से पूर्व ऐसे बासमती चावलों पर लागू होगा;

(3) निम्नलिखित को मान्यता देती है;

(क) आयातकर्ता देशों के राष्ट्रीय मानक और अंतर्राष्ट्रीय मानक;

(ख) नियांतकर्ता और विदेशी क्रेता के बीच करार किए गए संविवातक विनियोग;

परन्तु यह जब जब कि ऐसे विनियोग इस आदेश से सक्रिय अनुसूची 1 से 3 तक विनिर्दित न्यूनतम विनियोगों से निम्न न हों;

(ग) बासमती चावल (नियांति) श्रेणीकरण और निहितकरण नियम, 1980 के अंतर्गत बनाए गए श्रेणी पक्काम,

परन्तु यह तब जब कि ऐसे विनियोग खंड (ख) के अनुसूचा हों,

(घ) संविवातक विनियोगों के न होने पर, इस आदेश की अनुसूची में विए गए न्यूनतम विनियोग,

परन्तु यह जब कि खंड (क), (ख), (ग) और (घ) के प्रधीन विनियोग आयात करने वाले देशों में प्रवृत्त आव विधियों के यथि कोई हो, अनुरूप हों।

(4) बासमती चावल के अंतर्राष्ट्रीय व्यापार के अनुक्रम में, नियांति को तब तक प्रतिशिद्ध करती है जब तक कि केन्द्रीय सरकार द्वारा मान्यता प्राप्त ऐसा विहू या मुद्रा जो यह उपव्यापित करता हो कि वह इस पर लागू मानक विनियोगों के अनुरूप है, बासमती चावल के वैकेजों या आयातों पर लगाया गया या विपक्काया न गया हो और इसके साथ भारत सरकार के किंवदन्ति सालाहुकार या नियांति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 7 के अधीन स्वीकृत किनी भी अभिकरण द्वारा जारी किया गया इस आवाय का श्रेणी/निरीक्षण प्रयोगपत्र न लगा हो कि ऐसा बासमती चावल मानक उपर्युक्त विनियोगों के अनुरूप है और नियांति योग्य है।

2. इस आदेश की कोई भी बात प्रभावी क्रेतामों को समृद्धि भूमि और वायु मार्ग द्वारा बासमती चावल के ऐसे नामों के नियांति को लागू नहीं होगी, जिनका मूल्य 50.00 रु. से अधिक नहीं होगी।

3. इस आदेश में 'बासमती चावल' (ओरिजा स्ट्रीवा) स भारत म उत्पादित बासमती कच्चा दला तुधा, सेला चावल और भूसा साफ किया और बिना पालिश किया (भूरा) बासमती चावल अधिकृत है।

4. ये आदेश सरकारी राजपत्र में प्रकाशित होने का तारीख को प्रवृत्त होगा।

[फाईल सं. 6(13)/87-ई आई एड शेपी]

ऐ. के. चौधुरी, निवेशक

### अनुसूची-1

कभी भी भाव के बासमती चावल (नियांति के लिए) की क्वालिटी का श्रेणी अधिकान और परिभाषा

श्रेणी

अनुसूचित सीमा (भार के आधार पर प्रतिष्ठान)

अधिकान

बाह्य परामर्श	दृष्टे और कण	लाल दानों सहित अन्य चावल*	नुकसानग्रस्त चवरंग और चविया रंग के दाने	नमी	सामान्य विशेषताएं
1.0	10.0	15.0	2.0	14.0	(1) बाने सकेद या सलेटों या श्रेणी सफेद रंग के, और पारदर्शी लम्बे पतले दाने होंगे।

विशेष

1	2	3	4	5	6	7
0.5	5.0	10.0	1.0	14.0	(2) चावल--	
1.0	10.0	15.0	2.0	14.0	(क) ओरिजा/स्ट्रीवा के सूखे पुस्त दाने होंगे और इसके समरूप भारकार आकृति और रंग होंगे।	
2.0	10.0	20.0	3.0	14.0	(ख) इन चावलों के सक्षण बासमती चावल के सहज ही पहचानी जाने वाली डिप्रो तक अनपके और पक्के दोनों अवस्थाओं में, प्राकृतिक सुंगत जैसे होंगे।	

(ग) इन पर कृत्रिम रंग नहीं किय जाएगा और पालिश करने वाले पदार्थों से मुक्त होंगे।

(घ) काफी भावा में भूसी सहित उनमें 3 प्रतिशत तक दाने होंगे।

(ः) काफी भावा में भूसी सहित उनमें 3 प्रतिशत तक दाने होंगे।

(इ) फकूदी दार धिनीनी गंध से मुक्त होंगे और इन पर कोई फकूदी या जाल नहीं होंगे, और मृत या जीवित घुस का कोई भी लक्षण नहीं होगा।

(च) इसकी लंबाई 6.0 मि. मी. और उससे अधिक होनी और लंबाई चौड़ाई का अनुपात तीन और उससे ऊपर का होगा,

(छ) ये अच्छी व्यापारिक बक्षा में होंगे।

\*लाल दाने 2 प्रतिशत से अधिक नहीं होंगे।

#### परिभाषा:

- "विजातीय पदार्थ" इसके अंतर्गत घूल, पत्थर, मिट्टी के ढेले, भूसी, तिनके और अन्य कोई गंदगी आएगी।
- "टुकड़े और झंग" इसके अंतर्गत चावल के धानों के ऐसे टुकड़े होंगे जो पूरे चावल का  $3/4$  से अधिक होंगे। ऐसे टुकड़े जो पूरे चावल का  $1/4$  से छोटे हैं उन्हें झंग समझा जाएगा।
- "लाल दानों सहित अन्य चावल" इसमें मिले जुले और, या चावल की खटिया किस्म होंगी। लाल दाने शाकुत या दुटे हुए होंगे जिनके 25 प्रतिशत चावल में या अधिक में लाल भूसी से कोटिंग की होगी।
- "नुकसान ग्रस्त, बदरंग और खटिया जैसे दाने" इसके अंतर्गत चावल के दाने—ग्रस्त टुकड़े, झंग या शाकुत होंगे जो चीतर से नुकसान ग्रस्त या बदरंग तत्विक रूप से क्षालिटी को प्रभावित करने वाले होंगे। खटिया दाने ऐसे होंगे जिनका चावल से कम आधा भाग दूषिया उक्सेस रंग का और ग्रहित के अनुपार मुरमुरा होगा।

#### प्रतुसूची 2

##### सेता

बासमती चावल की क्षालिटी का श्रेणी अधिकार और परिभाषा (चावल नियंत्रित के लिए)

श्रेणी/ अधिकार	अनुसूचीय अधिकतम सीमा (भार के आधार पर प्रतिशत में)					सामान्य लक्षण
	विजातीय पदार्थ	दुटे तथा झंग	लाल दानों सहित चावल*	नुकसान ग्रस्त बदरंग और खटिया रंग के दाने	नमी	
1	2	3	4	5	6	7
विवरण	0.5	5.0	10.0	1.0	14.0	(1) दाने सबे, पत्थे, पूरे या संलेटी गहरे पारदर्शी होंगे।
क	1.0	10.0	15.0	2.0	14.0	(2) चावल,--
ख	2.0	10.0	20.0	3.0	14.0	(क) गोरिजा, स्टीला के सूखे पुष्ट दाने होंगे और इसके समरूप आकार, ग्राहित और रंग होंगे।
						(ख) इन चावलों के लक्षण : बासमती चावल के सहज ही पहचानी जाने काली छिपी तक अनपके और पके दोनों अवस्थाओं में प्राकृतिक सुंगंध जैसे होंगे।
						(ग) इन पर हृतिम रंग नहीं किया जाएगा और परिषा करने वाले पदार्थों से मुक्त होंगे।
						(घ) काफी मात्रा में भूसी सहित उनमें 3 प्रतिशत तक दाने होंगे।
						(छ) फकूदी वार धिनीनी गंध से मुक्त होंगे और इस पर कोई फकूदी या जाने नहीं होंगे और मृत या जीवित घुस का कोई लक्षण नहीं होगा।
						(च) इसकी लंबाई 6.0 मि. मी. और उससे अधिक होनी और लंबाई और चौड़ाई का अनुपात 3 और उससे ऊपर होगा।
						(छ) ये अच्छी व्यापारिक बक्षा में होंगे।

\*लाल दाने 2 प्रतिशत से अधिक नहीं होंगे।

#### परिभाषा:

- "विजातीय पदार्थ" इसके अंतर्गत घूल, पत्थर, मिट्टी के ढेले, भूसी, तिनके और अन्य कोई गंदगी आएगी।

(2) "दुकाने और भंग" : इसके अंतर्गत चावल के दानों के ऐसे दुकाने होंगे जो पूरे चावल का  $3/4$  से अधिक होंगे । ऐसे दुकाने जो पूरे चावल वा  $1/4$  से छोटे हैं उन्हें भंग समझा जाएगा ।

(3) "लाल दाने सहित अन्य चावल" : इसमें मिले जुले और/या चावल की खटिया किस्म होंगी । लाल दाने साबूत या दूटे हुए होंगे जिनके 25 प्रतिशत भाग में या अधिक में लाल भूसी से कोटिंग होंगी ।

(4) "तुकसान ग्रस्त, बदरंग और खटिया जैसे दाने" : इसके अंतर्गत चावल के दाने - मग्न दुकाने भंग या साबूत होंगी जो अतिर दुकाने से मुकान ग्रस्त या बदरंग तात्त्विक रूप से खटालिटी को प्रभावित करने वाले होंगे । खटिया दाने ऐसे दाने होंगे जिनका कम से कम आधा भाग दूधिना सफेद रंग का और प्रकृति के अनुसार मुरमुरा होगा ।

## अनुसूची-- 3

जिन पालिश किए/भूसी रहित/पूरे बासमती चावल (बेल नियंत्रित के लिए) की खटालिटी का श्रेणी अभियान और परिभाषाएं

श्रेणी अभियान	अनुसूचीय अधिकातम सीमा (भार के भाषार पर प्रतिशत में)						सामान्य लक्षण	
	जिजातीय दुकाने	अन्य	हरे	लाल	तुकरान	नर्मी		
परार्थ तथा परार्थ	चावल	दाने	दाने	ग्रस्त, बदरंग	लाल	खटिया दाने		
1	2	3	4	5	6	7	8	9
दिशेष	0.5	5.0	10.0	2.0	2.0	1.0	14.0	(1) दाने लंबे पत्ते हुल्के भरे रंग के होंगे और बासमत अम्ब क
	1.0	10.0	20.0	4.0	3.0	3.0	14.0	होंगे, (देखने में अम्बकार होंगे)
वा	1.5	10.0	30.0	6.0	4.0	5.0	14.0	(2) चावल,-- (क) बासमती चावल के सूखे दाने होंगे जिन पर से छिलके उत्तार दिश, होंगे और दोबारा देखने में नहीं गए होंगे और वे समलय १५ जींस आकार और रंग के होंगे । (ख) बासमती चावल अनपकी और पकी दोनों फलस्पायर्स में किस सीमा तक अपने लक्षण के अनुसार अपनी रथाभासिक पहचा ननाए रखेगा । (ग) इसे कृतिम रूप से रंग नहीं जाएगा और पालिश किए जाने वाले परार्थों से मुक्त होंगे । (घ) पुरानी या पिनोंगों गंध से मुक्त होंगे और फँकुरी या जाले या मृत या जीवित चुन का कोई लक्षण नहीं होगा । (इ) ६.० मि. मो. की लंबाई और लंबाई चालाई अमुकात ३.० और ऊर का होगा । (ज) अच्छी अ्यापारिक देखा में होगा ।

## परिभाषाएं--

(1) "जिजातीय परार्थ" : इसके अंतर्गत भूल, ईत्यर, मिट्टों के ढेले, भूसी, तिनके और अन्य कोई गंधों जाएंगी ।

(2) "दुकाने और भंग" : इसके अंतर्गत चावल के दानों के ऐसे दुकाने होंगे जो पूरे चावल का  $3/4$  से अधिक होंगे । ऐसे दुकाने जो पूरे चावल वा  $1/4$  से छोटे हैं उन्हें भंग समझा जाएगा ।

(3) "अन्य चावलों" : में मिले जुले और या चावल की खटिया किस्म सम्मिलित होंगी ।

(4) "हरे दाने" : साबूत या दूटे हुए दाने होंगे और जो रंग में होंगे ।

(5) "लाल दाने" : साबूत या दूटे हुए दाने होंगे जिन पर लाल भूसी की कोटिंग होंगी ।

(6) "तुकसान ग्रस्त, बदरंग खटिया जैसे दाने" : इसके अंतर्गत चावल के दाने, मग्न दुकाने या साबूत होंगी जो अतिर से तुकसान ग्रस्त या बदरंग तात्त्विक रूप से खटालिटी को प्रभावित करने वाले होंगे । खटिया दाने ऐसे होंगे जिनका कम से कम आधा भाग दूधिना सफेद रंग का और प्रकृति के अनुसार मुरमुरा होगा ।

## ORDER

New Delhi, the 14th September, 1990

S.O. 2538.—Whereas for the development of the export trade of India, certain proposals for subjecting Basmati Rice to quality control and inspection prior to export, in supersession of the Notification of the Government of India in the Ministry of Commerce No. S.O. 1025 & 1026 dated the 19th April, 1980, were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, in the Gazette of India, Part-II; Section 3, Sub-section (i), dated the 17th February, 1990 under the order of the Government of India in the Ministry of Commerce No. S.O. 408 dated the 17th February, 1990.

And whereas the objections and suggestions were invited from all persons likely to be affected thereby within a period of forty-five days from the date of publication of the said order in the said Gazette;

And whereas the copies of the said Gazette were made available to the public on the 5th March, 1990.

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, being of opinion, that it is necessary and expedient so to do for the development of the export trade of India, hereby:—

- (1) notifies that Basmati Rice shall be subject to quality control and inspection prior to export;
- (2) specifies the type of quality control and inspection in accordance with the Export of Basmati Rice (Inspection) Rules, 1990, as the type of quality control and inspection which shall be applied to such Basmati Rice prior to export;
- (3) recognises—
  - (a) the national standards of importing countries and international standards;

(b) the contractual specifications agreed to between the foreign buyer and the exporter;

Provided that such specifications are not below the minimum specifications stipulated in Schedules I to III appended to this order;

(c) the grade designation formulated under Basmati Rice (Export) Grading and Marking Rules, 1990;

Provided that such specifications are in conformity with clause (b);

(d) in the absence of contractual specifications, minimum specifications set out in the Schedules to this Order:

Provided that the specifications under clauses (a), (b), (c) and (d) shall also conform to the Food Laws; if any, in force in the importing country;

(4) prohibits the export, in the course of international trade of Basmati Rice unless a mark or seal recognised by the Central Government indicating that it conforms to the standard specifications applicable to it has been affixed or applied to packages or containers of such Basmati Rice and is accompanied by a certificate of Grade/Inspection issued by the Agricultural Marketing Adviser to the Government of India or by any of the agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that such Basmati Rice conforms to the aforesaid standard specifications and is exportworthy.

2. Nothing in this Order shall apply to export by sea, land or air of samples of Basmati Rice not exceeding in value of rupees fifty, to prospective buyers.

3. In this Order, "Basmati Rice (*Oryza sativa*)" shall mean Basmati Raw Milled Rice, parboiled Rice and Dehusked and unpolished (Brown) Basmati Rice, produced in India.

4. This Order shall come into force on the date of its publication in the Official Gazette.

[File No. 6(13)/87-PI&EP]

A. K. CHAUDHURI, Director

## SCHEDULE - I

## Grade designation and definition of quality of Basmati Rice Raw milled (for export)

Grade Designation	Maximum permissible limit (in percent by weight)					General Characteristics	
	Foreign matter	Brokens & fragments	Other rice, including red grains*	Damaged, discoloured and chalky grains	Moisture		
1	2	3	4	5	6	7	
Special	0.5	5.0	10.0	1.0	14.0	(1)	The grains shall be long slender of white or greyish or creamy white colour and translucent.
A	1.0	10.0	15.0	2.0	14.0		
B	2.0	10.0	20.0	3.0	14.0	(2)	The rice,—
						(a)	shall be dried matured kernels of <i>Oryza/sativa</i> ; and shall have uniform size, shape and colour;

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- (b) shall possess in a marked degree the nature fragrance, characteristic of Basmati Rice both in the raw and cooked state;
- (c) shall not have been artificially coloured and shall be free from polishing agents;
- (d) may contain upto 3 percent of grains with an appreciable amount of bran thereon;
- (e) shall be free from musty obnoxious odour and shall carry no sign of mould or containing webs and dead or live weevils;
- (f) shall have length 6.0 mm and above, and length breadth ratio 3 and above;
- (g) shall be in sound marchan-table condition.

**Definitions :**

- (i) "Foreign matter" includes dust, stones, lumps of earth, chaff, stems or straw and any other impurity.
- (ii) "Brokens and fragement" includes pieces of rice kernels which are less than three-fourth of a whole kernel. The pieces of kernels, smaller than one-fourth of the whole kernels shall be treated as fragments.
- (iii) "Other rice including red grains" shall consist of contrasting, and/or inferior varieties of rice. Red grains shall be the kernels, whole or broken, which have 25 per cent. or more of their surface coated with red bran.
- (iv) "Damaged, discoloured and chalky grains" includes rice kernels, broken, fragments of whole that are internally damaged or discoloured materially affecting the quality. Chalky grains shall be the grains atleast half of which are milky white in colour and brittle in nature.

—Red grains shall not exceed 2%

## SCHEDULE—II

## Grade designation and definition of quality of Basmati Parboiled Rice (for Export only)

Grade designation	Maximum permissible limit (in per cent. by weight)					General Characteristics
	Foreign matter	Broken & fragments	Other rice including red grains.*	Damaged discoloured and chalky grains*	Moisture	
1	2	3	4	5	6	7
Special	0.5	5.0	10.0	1.0	14.0	(1) The grains shall be long, slender of
A	1.0	10.0	15.0	2.0	14.0	creamy white brownish or greyish
B	2.0	10.0	20.0	3.0	14.0	colour and translucent.
						(2) The rice.—
						(a) shall be the dried matured kernels of Oryza Sativa and shall have uniform size, shape and colour;
						(b) shall possess in a marked degree the natural fragrance characteristics of Basmati rice, both in the raw and cooked state ;
						(c) shall not have been artificially coloured and shall be free from polishing agents;
						(d) may contain upto 3 percent. of grains with appreciable amount of bran thereon;
						(e) shall be free from musty or obnoxious odour and shall carry no sign of mould, or contain webs and dead of live weavils;
						(f) shall have length 6.0 mm and above and length breadth ratio 3 and above;
						(g) shall be in sound merchantable condition.

## Definitions :

- (i) "Foreign matter" includes dust, stones, lumps of earth, chaff, stem or straw and any other impurity;
- (ii) 'Broken and fragments" includes pieces, of rice kernels which are less than three-fourth of a whole kernel. The pieces of kernels smaller than one-fourth of the whole kernels, shall be treated as fragments;

\*Red grains shall not exceed 2 percent.

(iii) "Other rice including red grains" shall consist of contrasting and/or inferior varieties of rice. Red grains shall be the kernels, whole or broken which have 25 per cent. or more of their surface coated with red bran.

(iv) "Damaged, discoloured and chalky grains" includes rice kernels, broken, fragments or whole that are internally damaged or discoloured, materially affecting the quality. Chalky grains shall be the grains atleast half of which are milky white in colour and brittle in nature.

### SCHEDULE-III

Grade designation and definitions of quality of Basmati Rice unpolished/dehusked/brown basmati rice (for Export only)

Grade designation	Maximum permissible limit (in per cent. by weight)								General characteristics
	foreign matter	broken & fragments	other rice grains	cream grains	Read	Damaged	coloured	Moisture & chalky grains	
1	2	3	4	5	6	7	8	9	
Special	0.5	5.0	10.0	2.0	2.0	1.0	14.0	(1) The grains shall be long slender of light brown colour and having vitreous lustre (glossy in appearance).	
A	1.0	10.0	20.0	4.0	2.0	3.0	14.0		
B	1.5	10.0	30.0	6.0	4.0	5.0	14.0		
								(2) The rice.	
								(a) shall be the dried matured kernels of Oryza Sativa from which the hulls have been removed and have not been subjected to further milling and shall have uniform size shape and colour;	
								(b) shall possess marked degree of the natural fragrance characteristics of basmati rice, both in the raw and cooked state;	
								(c) shall not have been artificially coloured and shall be free from polishing agents;	

- (d) shall be free from musty or obnoxious odour and shall carry no sign of mould or contain of webs and dead of live weevils;
- (e) shall have length 6.0 mm and above and length breadth ratio 3.0 and above;
- (f) shall be in sound merchantable condition.

**Definitions :**

1. "Foreign matter" includes dust, stones, lumps of earthy chaff, stem or straw and any other impurity.
2. "Brokens and fragments" includes pieces of rice kernels, which are less than three fourth of the whole kernels, shall be treated as fragments;
3. "Other rice" shall consist of contrasting and/or inferior varieties of rice;
4. "Green grains" shall be the kernels, whole or brokens, which are greenish in colour;
5. "Red grains" shall be the kernels, whole or broken, which have their surface coated with red grain;
6. "Damaged, discoloured and chalky grains" includes rice kernels, broken, fragments or whole, that are internally damaged or discoloured materially affecting the quality. Chalky grains shall be the grains at least half of which are milky white in colour and brittle in nature.

का.आ. 2539.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और नियोजन) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त प्रतिलिपियों का प्रयोग करते हुए, और बासमती चावल के नियात (नियोजन) नियम, 1980 में, उन ग्रामों के सिवाय जिन्हें एसे प्रधिक्रमण से पहुँचे किया गया है या करने का लोप किया गया है, निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ: (1) इन नियमों का संक्षिप्त नाम बासमती चावल का नियात (क्वालिटी नियंत्रण और नियोजन) नियम, 1990 है।

(2) ये ग्रामों में प्रकाशन की तरीख को प्रवृत्त होंगे।

2. परिभाषा: इन नियमों में, जब तक कि नियम से अन्यथा अधिकृत न हो:

(क) 'प्रधिनियम' से निर्यात (क्वालिटी नियंत्रण और नियोजन) अधिनियम, 1963 (1963 का 22) अधिप्रेत है;

(ख) "प्रधिकरण" से नियोजन के लिए प्रधिनियम की धारा 7 के अधीन सुनवाई, कलेक्शन, कोमीन, रिली और मकास स्थित केन्द्रीय सरकार द्वारा स्थापित नियात नियोजन प्रधिकरण

से कोई अधिकरण या भारत सरकार के हृषि विषयन सलाहकार या उसकी ओर से निरीक्षण के लिए प्राप्तिकृत कोई अध्य अधिकारी अधिष्ठेत्र है;

(ग) "परिषद" से अधिनियम की धारा 3 के अधीन स्थापित नियंत्रित निरीक्षण परिषद अधिष्ठेत्र है,

(घ) "वासमती चावल" (अरुण सटीका) से भारत में उत्पादित वासमती कच्चा बला दुमा चावल, सेला चावल और भूमा हुटाया दुमा और बिना पालिश किया (भूरा) चावल अधिष्ठेत्र है।

3. निरीक्षण का आधार: वासमती चावल का निरीक्षण यह खेड़ने की दृष्टि से किया जाएगा कि वह अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त भानक विनिर्देशों के अनुरूप है जो या तो—

(क) यह सुनिश्चित करके किया जाएगा कि उत्पाद का प्रसंस्करण परिषद द्वारा यथा निर्धारित आवश्यक अंतः प्रक्रिया क्वालिटी नियंत्रण का प्रयोग करते हुए किया गया है,

(ख) परिषद द्वारा विहित रीति से किए गए निरीक्षण तथा परीक्षण के आधार पर किया गया है।

4. निरीक्षण की प्रक्रिया:— (1) ऐसा कोई नियंत्रिकर्ता जो वासमती चावल के परेषण का नियंत्रित करता चाहता है, वह नियंत्रिकर्ता अधिकरण को लिखित सूचना देगा जिसमें नियंत्रित संविदा या प्रारेश की प्रति के साथ संविदात्मक विनिर्देशों के छोरे प्रस्तुत किए जाएंगे ताकि अधिकरण नियम 3 के अनुसार निरीक्षण कर सके।

(2) परिषद द्वारा और ऐसे प्रसंस्करण यूनिट द्वारा जिसे इस प्रयोजन के लिए परिषद द्वारा गठित विशेषज्ञों के पैनल ने पर्याप्त अंतः प्रक्रिया क्वालिटी नियंत्रण फ्रिलों से सम्बन्ध अधिनियमित किया है, विहित किए गए पर्याप्त अंतः प्रक्रिया क्वालिटी नियंत्रण का प्रयोग करते हुए प्रसंस्कृत किए गए वासमती चावल के नियंत्रित के लिए नियंत्रिकर्ता उपनियम (1) में वर्णित सूचना के साथ साथ यह घोषणा भी प्रस्तुत करेगा कि नियंत्रित के लिए आवश्यक वासमती चावल का परेषण परिषद द्वारा यथा विहित रूप से पर्याप्त क्वालिटी का प्रयोग करते हुए प्रस्तुत किया गया है और यह (परेषण) इस प्रयोजन के लिए मान्यता प्राप्त भानक विनिर्देशों के अनुरूप है।

(3) उपनियम (1) के अधीन प्रत्येक सूचना जहां अधिकरण का कार्यालय स्थित है उर्दी स्थान पर स्थित परिसर में किए जाने वाले निरीक्षण से दो दिन से अन्यून पहले वी जाएगी और ऐसे परिसरों पर जो अधिकरण के कार्यालय के स्थान पर स्थित नहीं हैं, वहां निरीक्षण किए जाने के 10 दिन से अन्यून पहले वी जाएगी।

(4) उपनियम (1) के अधीन सूचना और उपनियम (2) के अधीन घोषणा, यदि कोई हो, प्राप्त होने पर अधिकरण,—

(क) अपना यह समाधान कर लेने पर कि प्रसंस्करणकर्ता से, यह सुनिश्चित करने के लिए उत्पाद इस प्रयोजन के लिए मान्यता-प्राप्त भानक विनिर्देशों के अनुरूप है, इस संबंध में परिषद द्वारा विहित पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया है, वासमती चावल के परेषण को नियंत्रित योग्य घोषित करते हुए 2 दिन के भीतर प्रभान तत्त्व जारी करेगा।

(ख) ऐसी दणा में, जहां प्रसंस्करणकर्ता नियंत्रिकर्ता नहीं है परेषण का भीतरीकृत रूप से संतापन किया जाएगा और ऐसा संतापन और/या निरीक्षण, यदि आवश्यक हो, अधिकरण द्वारा यह सुनिश्चित करने के लिए क्रिया जाएगा कि उपरोक्त शर्तों का अनुपालन किया गया है।

(5) (क) अधिकरण, किर भी, नियंत्रित के लिए प्राप्तिकृत किसी परेषणों की स्थल पर जांच करेगा और यूनिट द्वारा अपनाए गए प्रसंस्करण-अंतः प्रक्रिया क्वालिटी नियंत्रण फ्रिलों की पर्याप्तता की जांच करने के लिए नियंत्रित अंतरालों पर प्रसंस्करण एकलों में जाएगा। यदि यह पाया जाता है कि प्रसंस्करण यूनिट ने, प्रसंस्करण के किसी भी स्थल पर अपेक्षित क्वालिटी नियंत्रण उपायों को नहीं अपनाया है या परिषद अधिकरण की सिफारिशों का अनुपालन नहीं किया है तो यह घोषित किया जायगा कि यूनिट के पास पर्याप्त अंतः प्रक्रिया क्वालिटी नियंत्रण फ्रिलों की पर्याप्त अवस्था को बनाए रखने के लिए नए सिरे से अपेक्षन करेगा।

(ख) ऐसे मामलों में, जहां नियंत्रिकर्ता ने उपनियम (2) के अधीन यह घोषित नहीं किया है कि परिषद द्वारा अधिकरणित पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया गया है, अधिकरण अपना यह समाधान कर लेने पर कि वासमती चावल का परेषण परिषद द्वारा आवश्यक अंतः प्रक्रिया क्वालिटी नियंत्रण के अनुसार किए गए नियंत्रण तथा परीक्षणों के आधार पर इस प्रयोजन के लिए मान्यता प्राप्त भानक विनिर्देशों के अनुरूप है, तो वह, यथास्थित 2 या 10 दिनों के भीतर, वासमती चावल के परेषण को नियंत्रित योग्य घोषित करते हुए प्रभान तत्त्व जारी कर देगा।

परन्तु जहां अधिकरण का ऐसा समाधान नहीं होता है वहां वह नियंत्रिकर्ता को प्रभान तत्त्व देने से इकार कर देना भी, पर्याप्तिः या 10 दिन के भीतर इकार किए जाने के कारणों सहित नियंत्रिकर्ता को इकार की सूचना देगा।

(6) प्रमाणीकरण के पश्चात अधिकरण को अण्डारकरण के किसी भी स्थान पर वास्तविक लदान से पहले परेषण की क्वालिटी का पुनः मूल्यांकन अधिकारहन के दौरान या पतन पर करने का भी अधिकार होगा।

(7) यदि, परेषण को इनमें से किसी भी स्थान पर मानक विनिर्देशों के अनुरूप नहीं पाया जाता है तो मूल रूप से दिया गया निरीक्षण प्रमाणांक वापिस ले दिया जाएगा।

8. पैकिंग करना और बिन्हाकन: परेषण को नियमानुसार तैयार करने के पश्चात नियंत्रिकर्ता नियंत्रित के लिए वासमती चावल को पैक करता चाहता है तो स्टेंडिंग नए गती थैलों/ग्रावर की ओर पोलिथेन सहित केंव्स थैलों/अधिक सतह वाले पोलोलेमिनेटिड कार्डबोर्ड के छिपों में या क्रेटा की विशिष्ट अपेक्षाओं के अनुरूप पैक करेगा।

थैलों/पैकेजिंग पर नियमित सूचना स्टैम्प/प्रक्रिन/मुद्रित रहेगी:

1. नियंत्रिकर्ता का नाम और पता:

2. किस्म:

3. श्रेणी:

4. सांत संख्या:

5. कुल भार तथा मुद्र भार:

6. भारत का उत्पादन:

7. शिपिंग विन्ह:

6. निरीक्षण का स्थान: इन नियमों के प्रयोजन के लिए निरीक्षण नियंत्रिकर्ता के उस परिसर पर किया जाएगा जहां माल निरीक्षण के लिए प्रस्तुत किया जाता है परन्तु यह तब जब कि वहां निरीक्षण के लिए पर्याप्त सुविधाएँ विद्यमान हों।

7. निरीक्षण फीस: निरीक्षण के प्रयोजन के लिए निर्धारित वरों पर कीस अधिकरण को कमाता परेषणानुसार निरीक्षण और अंतः प्रक्रिया क्वालिटी नियंत्रण के लिए निरीक्षण फीस के रूप में दी जाएगी।

## 8. अपीलः

(क) ये ग्राहकियाँ जो ग्राहकरण द्वारा निरीक्षण प्रक्रियनक्त जारी करने के इकार से व्यक्ति हैं, ऐसे इकार सूचना प्राप्त होने के 10 दिनों के भीतर इस प्रयोजन के नियम केन्द्रीय सरकार द्वारा गठित न्यूनतम तीन और रात से यानविक व्यक्तियों से विलक्षण बने विषेषज्ञों के पास को अपील कर सकेगा।

(ख) पैनल को कुन व्यवस्था के दो नियम सदस्य गैर सरकारी होने,

(ग) पैनल की गणरूपि डॉ प्रकार होगी,

(1) 3 या 4 सदस्यों से विलक्षण बने पैनल के मामले में, दो तथा

(2) किसी अन्य मामले में, तीन।

(घ) अपील प्राप्त होने के पश्चात विनों के भीतर निपटा दी जाएगी।

(इ) ऐसी अपीलों में पैनल का विनिएवय अतिम होगा।

[फॉर्म स० ६ (१३)/८७-ई आई ए३ ई प्र]

S.O. 2539.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and in supersession of the Export of Basmati Rice (Inspection) Rules, 1980 except as respects things done or omitted to be done, the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Export of Basmati Rice (Quality Control and Inspection) Rules, 1990.

2. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,

(a) 'Act' means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) ;

(b) 'Agency' means any of the Export Inspection Agencies established by the Central Government at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act for inspection or the Agricultural Marketing Adviser to the Government of India or any other officer authorised on his behalf for inspection ;

(c) 'Council' means the Export Inspection Council established under section 3 of the Act ;

(d) "Basmati Rice (Oryza Sativa)" shall mean Basmati Raw Milled Rice, Parboiled Rice and Dehusked and Unpolished (Brown) Basmati Rice produced in India.

3. Basis of Inspection.—The inspection of Basmati Rice shall be carried out with a view to seeing that the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act either—

(a) by ensuring that the product has been processed by exercising necessary in-process quality controls as prescribed by the Council . or

(b) on the basis of inspection and testing carried out in the manner prescribed by the Council.

4. Procedure of Inspection.—(1) An exporter intending to export a consignment of Basmati Rice shall give an intimation in writing to the Agency furnishing therin details of the contractual specifications alongwith a copy of the export contract or order to enable the Agency to carry out inspection in accordance with rule 3,

(2) For export of Basmati Rice processed by exercising adequate inprocess quality control as prescribed by the Council and the processing unit adjudged as having adequate

inprocess quality control drills by a panel of experts constituted by the Council for this purpose, the exporter shall also furnish alongwith the intimation mentioned in sub-rule (1) a declaration that a consignment of Basmati Rice intended for export has been processed by exercising adequate quality control as prescribed by the Council and the consignment conforms to the standard specification recognised for the purpose.

(3) Every intimation under sub-rule (1) shall be given not less than 2 days before the inspection to be carried out at the premises situated at the same station where the office of the Agency is located and not less than 10 days before the inspection to be carried out at the premises which are not situated at the same station where the office of the Agency is located.

(4) On receipt of the intimation under sub-rule (1) and the declaration if any, under sub-rule (2), the Agency—

(a) on satisfying itself that the processor has exercised adequate quality control as prescribed by the Council in this regard to ensure that the product conforms to the standard specification recognised for the purpose, shall, within 2 days issue a certificate declaring the consignment of Basmati Rice as exportworthy.

(b) in a case where the processor is not the exporter, shall physically verifying and inspect the consignment and such verification and/or inspection, if necessary shall be carried out to ensure that the above conditions are complied with.

(5) (a) The Agency shall, however, carry out the spot check of some of the consignment for export and also visit the processing units at regular intervals to verify the adequacy of inprocess quality control drill adopted by the unit. If the processing unit is found not maintaining the in-quarried quality control measure at any stage of the process or does not comply with the recommendations of the Council/Agency, the unit shall be declared as not having adequate in process quality control drills. In such cases, the unit, if so desires, shall apply afresh for adjudgement of the maintenance of adequate of inprocess quality control drills

(b) In case where the exporter has not declared under sub-rule (2) that adequate quality control as laid down by the Council had been exercised, the Agency, on satisfying itself that the consignment of Basmati Rice conforms to the standard specifications recognised for the purpose on the basis of inspection and testing carried out as laid down by the Council, shall within 2 days or 10 days, as the case may be, issue a certificate declaring the consignment of Basmati Rice as export-worthy :

Provided that where the Agency is not satisfied, it shall refuse to issue a certificate to the exporter and shall communicate such refusal within 2 days or 10 days, as the case may be to the exporter alongwith the reasons therefor.

(6) Subsequent to certification, the Agency shall have the right to reassess the quality of the consignment at any place or storage, in transit or at the posts before its actual shipment.

(7) In the even of the consignment being found not conforming to the standard specifications at any of these states, the certificate of inspection originally issued shall be withdrawn.

(8) Packing and Marking—An exporter intending to pack Basmati Rice for export after preparing the consignment as per the rules shall pack in standard new gunny bags/ canvas bags with inner polythene/carboard cartons multilayer polylaminate or as per specific requirements of the buyer.

The following information shall be stencilled/printed on bags/packages :

1. Name and address of the exporter ;
2. Variety ;
3. Grade ;
4. Lot Number ;
5. Gross weight and net weight ;
6. Product of India ;
7. Shipping Mark.

(6) Place of Inspection—Inspection for the purpose of these rules shall be carried out at the premises of the exporter where the goods are offered for inspection, provided that adequate facilities exist therein for inspection.

(7) Inspection Fee—A fee at the rates prescribed for the purpose of inspection shall be paid to the Agency as inspection fee for consignmentwise inspection and inprocess quality control respectively.

#### 8. Appeal :

- (a) Any exports aggrieved by the refusal of the Agency to issue the certificate of inspection may within 10 days of the receipt of the communication such refusal prefer an appeal which shall be referred by the Agency to a panel of Experts consisting of not less than three, but not more than seven persons appointed for the purposes by the Central Government.
- (b) at least two-thirds of the total membership of the Panel shall consist of non-officials.
- (c) the quorum of the Panel shall be :—
  - (i) in case the panel consists of 3 or 4 member, two and
  - (ii) in any other case, three,
- (d) the appeal shall be disposed of within fifteen days from its receipt ;
- (e) the decision of the Panel on such appeal shall be final.

[File No. 6(13)/87-EI&EP]

मई विली, 29 सितम्बर, 1990

का.आ. 2540- केन्द्रीय सरकार, नियांत (म्यालिटी नियन्त्रण) और नियांत्रण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसरी विली टेस्ट हाउस, सोहमा इंस्ट्रियल एस्टेट जो.टी. करनाल रोड, विली-110033 को उससे उपायक अनुसूची में वितरित खनिज सभा अमरक का नियांत से पूर्व नियांत्रण के लिए इस अधिसूचना के प्रकाशन की तारीख से तीन घंटे की अवधि के लिए इन शर्तों के अधीन अधिकारण के रूप में मान्यता देती है कि उक्त अधिकारण अनिज सभा अमरक के नियांत (नियांत्रण) नियम, 1965 के नियम 4 के उपनियम (4) के अन्तर्गत उक्त नियांत्रण प्रमाण-पद्धति के लिए अधिकारण द्वारा आपनाई गई नियांत्रण पद्धति की जांच करने के संबंध में नियांत नियांत्रण परिषद् द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

अनुसूची

1. फैरोमैंगनीज के धातु मल सहित फैरोमैंगनीज
2. नियांत बोक्साइट सहित बोक्साइट
3. मैग्नीज डाक्साइट
4. क्रायमाइट
5. सिलिमेनाइट
6. सेक्ट्रित जिक सहित कच्चा जिक

7. परिवद्ध और नियांत भैंगनेसाइट सहित भैंगनेसाइट
8. बेरहाइट्स
9. लाल भैंगनाइट
10. पीला गैरिक
11. सेल्फ्रेड्डी
12. स्पॉटीय (फैल्डस्परा)

[फाइल सं. 5(15)/88-ई माई एण्ड ई पी]  
ए.के. चौधुरी, नियंत्रक

New Delhi, the 29th September, 1990

S.O. 2540.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from the date of publication of this notification M/s. Delhi Test House, Sohna Industrial Estate, G. T. Karnal Road, Delhi 110033 as an agency for the inspection of Minerals & Ores specified in the schedule annexed hereto prior to export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by the said agency in granting the certificate of inspection under sub-rule (4) of rule 4 of the Export of Minerals and Ores (Inspection) Rules, 1965.

#### SCHEDULE

1. Ferromanganese including ferromanganese slag.
2. Bauxite including calcined bauxite
3. Manganese dioxide.
4. Kyanite.
5. Sillimanite.
6. Zinc ores including zinc concentrates.
7. Magnesite including dead burnt and calcined magnesite.
8. Barytes.
9. Red Oxide.
10. Yellow ochre.
11. Steatite.
12. Feldspar.

[File No. 5(15)/88-EI&EP]

A. K. CHAUDHURI, Director  
(मुख्य नियंत्रक आयात-दिव्यांत का कार्यालय)

आदेश

नई विली, 10 सितम्बर, 1990

का.आ. 2541—मे. जे.सी.टी. इंस्ट्रिनियप लिमिटेड, प-3 इंस्ट्रियल फेस-8, एस ए एस नगर, सोहमा, जिला रोपट (पंजाब) -160051 को सामान्य मुद्रा क्षेत्र के अंतर्गत मेगेट एंड बैंडी के आयात के लिए 18,10,000 शाये (अठारह लाख और दस हजार शये मात्र) का एक आयात लाइसेंस सं. पी.टी. 2279460 दिनांक 23-3-90 प्रदान किया गया था।

2. फर्म ने उपर्युक्त लाइसेंस की अनुलिपि प्रति (सीमा शुल्क प्रयोजन प्रति आरो करने के लिए इस आधार पर अधिवेतन किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति ज्वांजली है या नुम हो गई है। प्राग यह भी बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति सीमा शुल्क प्रयोजन, बम्बई, के पास पंजीकृत थी और सीमा शुल्क प्रयोजन प्रति के मूल्य का अधिक रूप में उपयोग किया गया था।

3. अपने तर्क के समर्थन में लाइसेंस धारक, ने नोटरी पंजिक, पंजाब राज्य के समक्ष विविध शाखाएं लेकर स्टोर्म पेपर पर एक हस्त-

नामा पेश किया है। तबूसार मैं संतुष्ट हूँ कि आयात लाईसेंस सं.पी/धी. 2279460 विनांक 23-3-90 की मूल भीमा शुल्क प्रति फर्म से थोंगई है या युम हो गई है। यथासंशोधित आयात (नियंत्रण) आवेदन, 1955 विनांक 7-12-1955 की उपचारा 9 (ग) के प्रसंगत प्रवत्त नियंत्रणों का प्रयोग करते हुए मैं जे.सी.टी. हलेक्ट्रोनिक्स लिमिटेड, पंजाब को जारी उक्त मूल आयात लाईसेंस सं.पी/धी. 2279460 विनांक 23-3-90 को एतद्वारा रद्द किया जाता है।

4. उक्त लाईसेंस भी सोमाशुल्क प्रयोगन प्रति की एक अनुलिपि पार्टी को भलग से जारी की जा रही है।

[स.संस्कृ/एन एस-17/2254/धी जी टी धी/ए एम-90/एस एल एस]  
से. कुजुर, उप-मुख्य नियंत्रक आयात-नियंत्रण

(OFFICE OF THE CHIEF CONTROLLER OF IMPORTS AND EXPORTS)

ORDER

New Delhi, the 10th September, 1990.

S.O. 2541.—M/s. JCT Electronics Ltd., A-32, Industrial Phase-VIII, SAS Nagar, Mohali, Distt. Ropar (Punjab)-160051 were granted an import licence No. P/D/2279460 dated 23-3-1990 for Rs. 18,10,000/- (Rupees Eighteen lakhs and ten thousand only) for import of Magnet Assembly under GCA.

2. The firm has applied for issue of Duplicate copy of Custom Purpose Copy of the above mentioned licence on the ground that the original Customs Purpose copy of the licence has been lost or misplaced. It has further been stated that the Custom Purpose copy of the licence was registered with Customs Authority, Bombay and as such the value of Customs Purpose Copy has been utilised partly.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Punjab State. I am accordingly satisfied that the original Customs Purpose Copy of import licence No. P/D/2279460, dated 23-3-1990 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9 (cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original import licence No. P/D/2279460, dated 23-3-1990 issued to M/s. JCT Electronics Ltd., Punjab is hereby cancelled.

4. A duplicate Custom Purpose Copy of the said licence is being issued to the party separately.

[No. Suppl/NS-17/2254/DGTD/AM-90/SLS]  
S. KUJUR, Dy. Chief Controller of Imports & Exports.

संयुक्त मुख्य नियंत्रक आयात-नियंत्रण का कार्यालय

(कार्यालय लाईसेंस ऑफ)

“नियंत्रण आवेदन”

नई दिल्ली, 26 जुलाई, 1990

का.धा. 2541.—मैं, रतन एक्सपोर्ट, 346, चावडी बाजार दिल्ली-6 “32.52 मी. टन भास भार्टेचर” के नियंत्रण के लिए 16,76,290 रुपये के एक०धी०धी० मूल्य के आभार के साथ “33.5 मीटर टन भास ल्केप” के आयात के लिए 6,70,500 रु. का एक अग्रिम लाईसेंस सं.पी/के 3162791 विनांक 18-1-88 तथा धी ही ही सी बुक संख्या 002587 विनांक 18-1-88 प्रदान किया जाता था।

फर्म ने विना उपयोग किये अग्रिम लाईसेंस संख्या पीके 3162791 विनांक 18-1-88 (दोनों प्रतियों) तथा धी ही ही सी बुक संख्या 002587 विनांक 18-1-88 प्रम्परित कर दिए हैं।

माज तक यथासंशोधित आयात (नियंत्रण) आवेदन, 1955 विनांक 7-12-55 की विनांक 9 धी के प्रसंगत प्रदत्त अधिकारों का प्रयोग करते हुए मैं एतद्वारा उक्त अग्रिम लाईसेंस की दोनों प्रतियों तथा धी ही ही सी बुक के नियंत्रण का आवेदन देता हूँ।

[फा.स. एहमांस/साई./यूडीईएस/119/एम-87/ए एल एस-2 सोएलए]

OFFICE OF THE JOINT CHIEF CONTROLLER OF IMPORTS AND EXPORTS

(CENTRAL LICENSING AREA)

“CANCELLATION ORDER”

New Delhi, the 26th July, 1990

S.O. 2542.—M/s. RATAN EXPORTS, 346, CHAWRI BAZAR, DELHI-6, was granted an Advance Licence No. P/K/3162791, dated 18-1-1988 and DEEC Book No. 002587 dated 18-1-1988 for Rs. 6,70,500/- for import of “33.5MT OF BRASS SCRAP” with an obligation for FOB value of Rs. 16,76,290/- to export “32.52MT OF BRASS ARTWARES”.

The firm has surrendered both copies of Advance Licence No. P/K/3162791, dated 18-1-1988 and DEEC BOOK No. 002587 dated 18-1-1988 unutilised.

In exercise of the powers conferred on me under clause 9 of the Import (Control) Order, 1955, dated 7-12-1955 amended upto date. I, hereby, order cancellation of the said both copies of Advance Licence and both DEEC Book.

[F. No. ADV/LIC/UDES/119/AM-87/ALS.II/CLA]

नियंत्रण आवेदन

नई दिल्ली, 6 सितम्बर, 1990

का.धा. 2543.—मैसर्स एफेल्स इन्डस्ट्रीज एरिया, फैस-1 नई दिल्ली को 8,31,096 रुपये के एक. धी. मूल्य के नियंत्रण आभार के साथ 110 सं.धी. चौड़ाई के 1440 मीटर, 90 सं.मीटर चौड़ाई के 8353 मीटर तथा 135 सं.धी. चौड़ाई के 220 सं.मीटर. कॉठन बैलिंग फैसिलिटी के आयात के लिए 2,37,412 रुपये के दो आईए एक मूल्य का एक अग्रिम लाईसेंस सं.पी/के 3297461 विनांक 16-1-90 तथा धी ही ही सी बुक संख्या 008027 विनांक 16-1-90 प्रदान किया गया था।

फर्म ने अग्रिम लाईसेंस सं.पी/बैलिंग 3297461 विनांक 16-1-90 (दोनों प्रतियों) तथा धी ही ही सी बुक संख्या 008027 विनांक 16-1-90 विना उपयोग किए प्रम्परित कर दिए हैं।

माज तक यथा संशोधित आयात (नियंत्रण) आवेदन, 1955 विनांक 7-12-55 के भाग 9 (धी) के प्रसंगत प्रदत्त अधिकारों का प्रयोग करते हुए मैं एतद्वारा उक्त अग्रिम लाईसेंस की दोनों प्रतियों तथा धी ही ही सी बुक के नियंत्रण का आवेदन देता हूँ।

[फा.स. स्टार एंड/साई./यूडीईएस/35/एम-90/एलएस-2 सोएलए]

एम. एम. डे., उप युवराज नियंत्रक आयात व सियांत्रित हुते संयुक्त मुख्य नियंत्रक, आयात-नियंत्रण

## CANCELLATION ORDER

New Delhi, the 6th September, 1990.

S. O. 2543.—M/s. REFLEX INTERNATIONAL PVT. LTD., C-105/5, NARAINA INDL. AREA, PHASE I, NEW DELHI was granted an Advance Licence No. P/N/3297461, dated 16-1-1990 and DEEC Book No. 008027, dated 16-1-1990 for CIF value of Rs. 2,137,412/- for import of Cotton Denim Fabrics 1440 Mtrs. of 110 cms width, 8535 Mtrs. of 90 cms width 2200 mts. of 135 cms width with an export obligation for FOB value of Rs. 8,31,096/-.

The firm has surrendered Advance Licence No. P/W/3297461, dated 16-1-1990 (Both copies) and DEEC BOOK No. 008027, dated 16-1-1990 unutilised.

In exercise of powers conferred on me under section 9(d) of Import (Control) Order, 1955 dated 7-12-1955 as amended upto date 1, hereby, order cancellation of the said both copies of Advance Licence and DEEC BOOKs.

[F. No. STAR/ADV/LIC] UDES/35/AM. 90/ALS. II(CLA)  
M. M. DE, Dy. Chief Controller of Imports & Exports.  
For Jt. Chief Controller of Imports & Exports.

उद्योग मंत्रालय

(कम्पनी कार्ये विभाग)

नई दिल्ली, 3 सितम्बर, 1990

(लागत और संकर्म लेखाकार)

का.प्रा. 2544.—लागत और संकर्म लेखा प्रधिनियम, 195 (1953 का 23) की धारा 9 की उदाहारा 2 के अंडे (क) के अनुसार सरण में भीर भारत सरकारपे के भूत्यर्थ विधि मंत्रालय, न्याय और कम्पनी कार्ये (कम्पनी कार्ये विभाग) की भवित्वना गण्डा 3084, विनाक 4 अक्टूबर, 1973 के भवित्वना में केन्द्रीय सरकार उक्त अंडे के अधीन भारतीय लागत और संकर्म लेखा संस्थान की परियोग के निवाचन के प्रयोगनों के लिए निम्न चार प्रावेशिक निवाचन क्षेत्र विनिर्दिष्ट करती है, जिनमें नाम हैं :—

1. पश्चिमी भारत प्रावेशिक निवाचन क्षेत्र :—जिसमें गोप्ता, गुजरात, मध्य प्रदेश, महाराष्ट्र और केन्द्र शासित प्रदेश दादरा व नगर हवेली और दमन दिल्ली राज्य शामिल हैं।

2. दक्षिण भारत प्रावेशिक निवाचन क्षेत्र : आंध्र प्रदेश, कर्नाटक केरल, तमिलनाडु और केन्द्र शासित प्रदेश दादरा व नगर हवेली और दमन दिल्ली राज्य शामिल हैं।

3. पूर्वी भारत प्रावेशिक निवाचन क्षेत्र : जिसमें अस्साचल प्रदेश, बिहार, मणिपुर, मेघालय, मिजोरम, नागालैंड उड़ीसा सिक्किम लिपुरा, पश्चिमी बंगाल और केन्द्र शासित प्रदेश असम और निकोबार, द्वीप शामिल हैं।

4. उत्तरी भारत प्रावेशिक निवाचन क्षेत्र : हरियाणा, हिमाचल प्रदेश, अस्सी व काशीर, पंजाब, राजस्थान, उत्तर प्रदेश, और केन्द्र शासित प्रदेश चंडीगढ़ और दिल्ली शामिल हैं।

[का. स 2/6/90-पाई जो सी)]

डा. गुलाब सिंह, प्रबन्ध सचिव

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 3th September, 1990.

COST AND WORKS ACCOUNTANTS

S.O. 2544.—In pursuance of clause (a) of sub-section (2) of Section 9 of the Cost and Works Accountants Act, 1959

(23 of 1959), and in supersession of the notification of the Government of India in the late Ministry of Law, Justice and Company Affairs (Department of Company Affairs) No. S.O. 3084, dated 4th October, 1973, the Central Government hereby specifies the following four regional constituencies for the purposes of elections to the Council of the Institute of Cost and Works Accountants of India under the said clause, namely :—

1. Western India Regional Constituency :—comprising the states of Goa, Gujarat, Madhya Pradesh, Maharashtra and Union Territories of Dadra & Nagar Haveli and Daman & Diu.
2. Southern India Regional Constituency :—comprising the states of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Union Territories of Pondicherry and Lakshadweep.
3. Eastern India Regional Constituency :—comprising the states of Assam, Arunachal Pradesh, Bihar, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim, Tripura, West Bengal and Union Territories of Andaman and Nicobar Islands.
4. Northern India Regional Constituency :—comprising the state of Harayana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Uttar Pradesh and Union Territories of Chandigarh and Delhi.

[File No. 2/6/90-IGC]  
DR. GULAB SINGH, Under Secy.

हृषि मंत्रालय

(ग्रामीण विकास विभाग)

प्रावेश

नई दिल्ली, 7 सितम्बर, 1990

का.प्रा. 3445.—माय चाय उत्पाद आदेश, 1973 की धारा 3 की उपधारा (1) के अनुसार में केन्द्रीय सरकार इस आदेश के सरकारी गण्ड में प्रकाशित होने की तिथि से जेकर 2 वर्ष की अवधि के लिए मास चाय उत्पाद सलाहकार समिति का पुस्तकाल करती है जिसमें निम्नलिखित शामिल होंगे :—

प्रधानमंत्री

भारत सरकार के हृषि विभाग न सलाहकार

सदस्य

1. भारत सरकार के पश्चालन आयुक्त अथवा उनके द्वारा नामांकित व्यक्ति,

2. भारत सरकार की स्वास्थ्य सेवा के महानिदेशक अथवा उनके द्वारा नामांकित व्यक्ति।

3. भारत सरकार के तकनीकी विकास महानिदेशक, अथवा उनके द्वारा नामांकित व्यक्ति।

4. भारत सरकार के कार्यकारी निदेशक, आय तथा पोषाहार बोर्ड, आय विभाग भारत सरकार अथवा उनके द्वारा नामांकित व्यक्ति।

5. निदेशक, केन्द्रीय आय प्रौद्योगिकी अनुसंधान संस्थान, मैसूर अथवा उनके द्वारा नामांकित व्यक्ति।

कान्द्र सरकार द्वारा मध्य (एक) के अन्तर्गत न मांकित राज्य सरकार के पश्चालन विभाग अथवा पशु विकिस्ता सेवाओं के दो अधिकारी।

6. निदेशक, पशुपालन, गोवा।

7. निदेशक, पशु विकिस्ता सेवा, परिवहन बंगल।

कान्द्र सरकार द्वारा मध्य (जो) के अन्तर्गत नामांकित विनियोगीयों में से नामांकित दो व्यक्ति।

8. मैसासी शीट फूड प्रोडक्ट्स आफ इंडिया इरनाकुलम, केरल।



1 2

3

## 2. Collector

Daman and Diu

Daman, Administration of  
Daman and Diu and  
Dadra and Nagar Haveli.

3. Commissioner and  
Director Agriculture  
Government of  
Andhra Pradesh.

Andhra Pradesh

4. Director Agriculture  
Government of Himachal Pradesh.

Himachal Pradesh

[No. 1-11/89-Fert. Law]  
R.M. SETHI, Jt. Secy.

उर्जा मंत्रालयः  
(कोयला विभाग)  
नई दिल्ली, 10 सितम्बर, 1990

का.ग्रा. 2547 :—केन्द्रीय सरकार, आवश्यक वस्तु अधिनियम, (1955 का 10) की धारा 16 द्वारा प्रवृत्त रख गए कोयला खान नियंत्रण आदेश, 1945 के खण्ड 3 और 4 के प्रत्युत्तर में, भारत सरकार के उर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं.का.ग्रा. 1255 (प्र) तारीख 30 दिसम्बर, 1988 का, निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के उपावल्य में,—

(क) "सोहागपुर" क्षेत्र के सामने "कोलियरी" शीर्षक के सीधे अन्त में प्रविष्टि "मुश्ताप इनक्साइन" अन्तः स्थापित की जाएगी;  
(ख) "सोहागपुर" क्षेत्र और उससे संबंधित प्रविष्टि के पश्चात निम्नलिखित क्षेत्र और कोलियरी प्रन्त स्थापित किए जायेंगे, अर्थात् :—

क्षेत्र  
"कास्टा

कोलियरी  
मधाहपुर"

[का.स. 28012(6) 89-सी.ए.]  
कमल कान्त मिश्र, संयुक्त सचिव

[F. No. 28012/6/89-CA]  
K. K. MISRA, Jt. Secy.

उर्जा मंत्रालय  
(कोयला विभाग)  
नई दिल्ली, 11 सितम्बर, 1990

का.ग्रा. 2549—केन्द्रीय सरकार ने कोयला धारक थोक (प्रार्थन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2 खंड 3, उपखंड (ii), तारीख 29 अक्टूबर, 1988 में प्रकाशित भारत सरकार के उर्जा मंत्रालय (कोयला विभाग) की अधिसूचना का.ग्रा. सं. 3188 तारीख 30 सितम्बर, 1988 द्वारा उस अधिसूचना से संबंधित अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 1060.00 हेक्टर (लगभग) या 2619.26 एकड़ (लगभग) है, कोयले का पुर्वोक्त फरने के लिए अपने धारण की सूचना दी गई ;

आर उक्त भूमि की बाबत उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन कोई सूचना नहीं दी गई है ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रहृत शक्तियों का प्रयोग करने हुए एक थर्ड की और अधिक जो 29 अक्टूबर 1990 से आरम्भ होगी विनिर्दिष्ट करती है जिसके बीतर केन्द्रीय सरकार ने सी भूमि आर उस पर के अधिकारों की बाबत जो निम्नलिखित अनुसूची में विनिर्दिष्ट है के अर्जन की सूचना देगी :—

MINISTRY OF ENERGY  
(Department of Coal)

New Delhi, the 10th September, 1990

S.O. 2547.—In pursuance of clause 3 and clause 4 of the Colliery Control Order, 1945, as continued in force by section 16 of the Essential Commodities Act, 1955 (10 of 1955), the Central Govt. hereby makes the following amendments in the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 1255(E) dated the 30th December, 1988, namely :—

In the Annexure to the said notification,—

(a) against the area Sohagpur under the heading Colliery, the entry "Subash" Incline" shall be inserted at the end;  
(b) after the area Sohagpur and the entry relating thereto, the following area and colliery shall be inserted namely :—

Area  
"KASTA

Colliery  
"Madhaipur"

मनुसूची  
सार्वजनिक व्यापक  
तालंबेर कोयला खेत  
जिला देनकनाल (उडीसा)

रेखांक सं. राजस्व / एसैटीएल/बृ.एस.पा. सीजीएम/लैड/73

तारीख : 30-7-90

(पूर्वोक्त के लिए प्रधिकृति भूमि दर्शित करते हैं)

क्रम सं. प्राम का नाम	पाना सं.	तहसील	जिला	खेत एकड़ में	टिप्पणी
1. धरमपुर	153	तालंबेर	देनकनाल	15.00	भाग
2. द्वारोपुर	154	तालंबेर	देनकनाल	20.99	संपूर्ण
3. मीतुवाली	155	तालंबेर	देनकनाल	93.73	संपूर्ण
4. कंकीली	156	तालंबेर	देनकनाल	1277.35	भाग
5. तेलीबहाल	157	तालंबेर	देनकनाल	8.32	संपूर्ण
6. कोस्टापासी	158	तालंबेर	देनकनाल	18.38	संपूर्ण
7. झरनाली	159	तालंबेर	देनकनाल	14.42	भाग
8. हरिहरपुर	160	तालंबेर	देनकनाल	38.75	संपूर्ण
9. काकुड़ी	161	तालंबेर	देनकनाल	148.68	भाग
10. यालजोड़ी	162	तालंबेर	देनकनाल	46.31	संपूर्ण
11. कुछियानाली	163	तालंबेर	देनकनाल	12.71	संपूर्ण
12. गुन्धावहस	164	तालंबेर	देनकनाल	23.32	संपूर्ण
13. यताली	165	तालंबेर	देनकनाल	8.39	संपूर्ण
14. मेल्लनिया	166	तालंबेर	देनकनाल	23.07	संपूर्ण
15. रामचन्द्रपुर	167	तालंबेर	देनकनाल	46.48	संपूर्ण
16. बिहारीपुर	168	तालंबेर	देनकनाल	171.73	संपूर्ण
17. केटलेंगपुर	169	तालंबेर	देनकनाल	149.76	भाग
18. प्रमोदप्रसाद	170	तालंबेर	देनकनाल	221.87	भाग
19. किशोरीपाल	171	तालंबेर	देनकनाल	180.83	भाग
20. धीरबरपाली	172	तालंबेर	देनकनाल	19.36	संपूर्ण
21. महुलापाल (अ)	173	तालंबेर	देनकनाल	32.13	संपूर्ण
22. महुलापाल (ग)	174	तालंबेर	देनकनाल	25.555	संपूर्ण
23. धीकरपीपुर	176	तालंबेर	देनकनाल	22.125	भाग

कुल योग 2,619.26 एकड़ (लगभग)

या 1,060.00 हेक्टर (लगभग)

सीमा धर्णन :-

क-अ रेखा बिन्दु "क" से आरंभ होती है और धरमपुर कंकीली, केतलेंगपुर प्रमोद प्रसाद, और वासरथीपुर ग्रामों से होकर जाती है तथा बिन्दु "ब" पर मिलती है।

क-ग रेखा वासरथीपुर ग्राम से होकर जाती है और तब प्रमोदप्रसाद, महुलापाल (क), धीरबरपाली, किशोरीपाल ग्रामों की भाग दक्षिणी सीमा के साथ साथ चलती है और बिन्दु "ग" पर मिलती है।

ग-घ रेखा किशोरीपाल, काकुड़ी, हरिहर, झरनाली और कंकीली ग्रामों से होकर जाती है, जो ब्राह्मणी नदी की परिवर्ती सीमा भी है तथा बिन्दु "घ" पर मिलती है।

घ-व रेखा कंकीली धार धरमपुर ग्राम से होकर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

New Delhi, the 11th September, 1990

S.O.2548.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 3188 dated 30th September, 1988 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in part II section 3, sub-section (ii) of the Gazette of India dated the 29th October, 1988 the Central Government gave notice of its intention to prospect for coal in lands measuring 2619.26 acres (approximately) or 1060.00 hectares (approximately) in the locality specified in the Schedule appended thereto;

And, whereas in respect of the said lands, no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the sub-section(1) of section 7 of the said Act, the Central Government hereby specified a further period of one year commencing from the 29th October, 1990 as the period within which the Central Government may give notice of its intention to acquire the lands or any rights in or over such lands as specified in the Schedule below :—

**SCHEDULE**  
**SAKHIGOPAI BLOCK**  
**TALCHER COALFIELD**  
**DISTRICT-DHENKANAL (ORISSA)**

Plan No. SECL/BSP/CGM/Land/73  
 dated 30-7-90

(showing the land notified for prospecting)

Sl. No.	Name of village	Thana Number	Tahsil	District	Area in acres	Remarks
1.	Dharampur	153	Talcher	Dhenkanal	15.00	Part
2.	Duaripur	154	Talcher	Dhenkanal	20.99	Full
3.	Mituani	155	Talcher	Dhenkanal	93.73	Full
4.	Kankili	156	Talcher	Dhenkanal	1277.35	Part
5.	Telibahal	157	Talcher	Dhenkanal	8.32	Full
6.	Kostapasi	158	Talcher	Dhenkanal	18.38	Full
7.	Jharanali	159	Talcher	Dhenkanal	14.42	Part
8.	Hariharpur	160	Talcher	Dhenkanal	38.75	Full
9.	Kakudi	161	Talcher	Dhenkanal	148.68	Part
10.	Balijodi	162	Talcher	Dhenkanal	46.31	Full
11.	Kochianali	163	Talcher	Dhenkanal	12.71	Full
12.	Gunthabahal	164	Talcher	Dhenkanal	23.32	Full
13.	Baranali	165	Talcher	Dhenkanal	8.39	Full
14.	Bherubania	166	Talcher	Dhenkanal	23.07	Full
15.	Ramchandrapur	167	Talcher	Dhenkanal	46.48	Full
16.	Biharipur	168	Talcher	Dhenkanal	171.73	Full
17.	Ketalandpur	169	Talcher	Dhenkanal	149.76	Part
18.	Pramodprasad	170	Talcher	Dhenkanal	221.87	Part
19.	Kishoripal	171	Talcher	Dhenkanal	180.83	Part
20.	Birabarpali	172	Talcher	Dhenkanal	19.36	Full
21.	Mahulapal(B)	173	Talcher	Dhenkanal	32.13	Full
22.	Mahulpal(A)	174	Talcher	Dhenkanal	25.555	Full
23.	Dasarathipur	136	Talcher	Dhenkanal	22.125	Part
Total					2619.26 Acres (approximately)	
OR					1060.00 Hectares (approximately)	

**Boundary Description:**

**A—B** Line starts from point 'A' passes through villages Dharampur, Kankili, Ketlandpur, Pramod-prasad and Dasarathipur and meets at point 'B'.

**B—C** Line passes through village Dasarathipur and then along the partly southern boundary of village Pramodprasad, Mahulapal (A), Mahulapal (B) Birabarpali, Kishoripal and meets at point 'C'.

**C—D** Line passes through villages Kishoripal, Kakudi, Hariharpur, Jharanali and Kankili, which is also western boundary of river Brahmani and meets at point 'D'.

**D—A** Line passes through villages Kankili and Dharampur and meets at the starting point 'A'.

[No. 43015/7/88-LSW]

का धा. 2549-- केन्द्रीय सरकार ने कोयला धारक जीवा (अर्जन प्रौद्योगिकी) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजस्व, धारा 2, और 3, उपधारा (ii), तारीख 9 जितम्बर, 1989 वृद्धि 2601-2602 पर प्रबंधित भारत सरकार के उर्जा मंत्रालय (कोयला विभाग) की अधिसूचना में 2126 तारीख 2 अगस्त, 1989 द्वारा उस अधिसूचना ने उपवद्ध प्रन्तुमूली में विनियोग परिक्षेत्र में की 350.08 हेक्टर (लगभग) या 865.065 एकड़ (लगभग) भूमि में, कोयले का पूर्वोक्त करने के लिए उपर्यन्त प्राणी की सूचना दी थी।

और केन्द्रीय सरकार का यह समाधान ही था है कि उस भूमि के भाग में कोयला अधिनियम है।

धारा अब केन्द्रीय सरकार, उस अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त विभिन्नों का प्रयोग करने हुए उसी संस्थान अनुसूची में वर्णित 291.83 हेक्टर (लगभग) या 721.111 एकड़ (लगभग) माप की भूमि में सभी अधिकारों का अर्जन करने के अपने आवश्यकी सूचना देती है।

टिप्पण : इस अधिसूचना के अंतर्गत आने वाले दोष के रेखांक में एस.ई.सी.एल./बी.एम.पी., जी.एम.(परि.) और 62 तारीख 6 फरवरी, 1990 का नियोक्ता कलक्टर विलासपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, कोम्प्लिक्स हाउस स्ट्रीट, कलकत्ता के कार्यालय में या सात्य ईस्टने कोलकाता लिमिटेड (राजस्व अनुभाग) सीपत रोड, विलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पण 2 : पूर्वोक्त अधिनियम की धारा 8 के उपर्योग की ओर ध्यान प्राकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं।

3. अर्जन के प्रति आवेदन-

(1) कोई व्यक्ति, जो किसी भूमि में जिसकी धारा 7 के अधीन अधिसूचना नियाली गई है, हितवद्ध के लिकाने जाने से नीम दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग से ऐसी भूमि में या उस पर के किसी अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण— इन धारा के अधीनियम यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं अनन्त मंकिता करना आहुता है और ऐसी संकिया केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी आहिए।

(2) उपधारा-(1) के अधीन प्रत्येक प्राप्ति संकेत प्राधिकारी को विभिन्न रूप में की जाएगी और संकेत प्राधिकारी प्राप्तिकर्ता को स्वयं मुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अनिरिक्त जांच, यदि कोई भी करने के पश्चात् जो यह आवश्यक समस्ता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न दुकांों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपर्याप्ति सिफारिशों और उसके द्वारा की गई कार्रवाई के अनियोन्न सुहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनियोग के लिए देगा।

(3) इम धारा के प्रतीक्षन के लिए वह नियत किसी भूमि में हितवद्ध मरमा जाएगा जो प्रतिकर में विकास का दावा करने का लकार है, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकारी इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3 : केन्द्रीय सरकार ने कोयला नियंत्रक 1, कोउसिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम के अधीन संकेत प्राधिकारी नियुक्त किया है।

अनुसूची

भिलासपुर का दक्षिणी दिल्ली अवास

कोरदा कोयला दोवा

जिला दिल्ली (मध्य प्रदेश)

सभी अधिकार

क्रम सं.	ग्राम	हस्का सं.	तहसील	जिला	धोका हेक्टर में	टिप्पणिया
1.	भिलाई	10	फोरदा	बिलासपुर	60.80	भाग
2.	बरनासपुर	14	कोरदा	बिलासपुर	51.44	भाग
3.	कुदुरसल	14	फोरदा	बिलासपुर	42.22	भाग
4.	सोनुपुरी	54	कटचोरा	बिलासपुर	61.80	भाग
5.	कमयेरी	55	कटचोरा	बिलासपुर	75.57	भाग

कुल धोका 291.83 हेक्टर (लगभग)

या 721.111 एकड़ (लगभग)

भिलाई ग्राम में अधिनियम किए जाने वाले सं. (भाग-1)

बरबासपुर ग्राम में अधिनियम किए जाने वाले प्लाट सं. (भाग)-विना संवैधानिक है:

कुदुरमल भाग में अधिनियम किए जाने वाले प्लाट सं. (भाग-1) (पर्याप्त)

सोनपुरी ग्राम में अधिनियम किए जाने वाले प्लाट सं. (भाग)-661

कन्दवरी ग्राम में प्रांजित किए जाने वाले प्लाट सं. (भाग)-465 (पर्याप्त)

सीमा वर्णन-

क-ख-ग रेखा भिलाई ग्राम में विन्दु "क" से प्रारम्भ होती है और ग्राम भिलाई, बरबासपुर, सोनपुरी-जटराड़ा की सामान्य सीमा से होकर जाती है जो कि कुदुरमल नदी से होकर सी जाती है और विन्दु "क" पर मिलती है।

ग-घ-ड रेखा सुखदेव नदी के पश्चिमी किनारे के साथ साथ जाती है और विन्दु "ड" पर मिलती है।

द-ज-छ रेखा कन्दवरी ग्राम में लाट सं. 165 से होकर जाती है और प्लाट सं. 1 से कुदुरमल ग्राम में प्रवेश करती है तथा विन्दु "छ" पर मिलती है।

छ-ज-झ रेखा हस्तेव नदी के पूर्वी किनारे के साथ साथ जाती है भरत ग्राम कुदुरमल-बरबासपुर की सामान्य सीमा पर विन्दु "झ" पर मिलती है।

झ-झ-क रेखा हस्तेव नदी के पूर्वी किनारे के साथ साथ जाती है और प्रारम्भिक विन्दु "क" पर मिलती है।

[म. 43015/8/89-एन.एस.डब्ल्यू.]

S.O. 2549--Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal No. S.O. 2126 dated the 2nd August, 1989 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in the Gazette of India in part-II, section 3, sub-section (ii) dated the 9th September, 1989 at page 2601-2602, the Central Government gave notice of its intention to prospect for coal in 350.08 hectares (approximately) or 865.065 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of said land.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 291.83 hectares (approximately) or 721.111 acres (approximately) in all rights as described in the Schedule appended hereto.

Note-1 : The plans bearing No. SECL : BSP : GM(PROJ) : LAND : 62 dated 6th February 1990 of the area covered by this notification may be inspected in the office of the Collector, Bilaspur (Madhya Pradesh) or in the office of the Coal Controller, 1 Council House Street, Calcutta or in the office of the South Eastern Coalfields Limited, (Revenue Section), Seepat Road, Bilaspur-495001 (Madhya Pradesh).

Note-2 : Attention is hereby invited to the provision of section 8 of the aforesaid Act, which provide as follows :

#### OBJECTION TO ACQUISITION :

8(1) Any person interested in any land in respect of which a notification under section 7 has been issued

may within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation : It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with record of the proceedings held by him, for the decision of the Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation of the land or any rights in or over such land were acquired under this Act."

Note-3 : The Coal Controller, 1 Council House Street, Calcutta has been appointed by the Central Government as the competent authority under the Act.

#### SCHEDULE

#### SOUTH EXTENSION BLOCK OF MANIKPUR

#### KORBA COALFIELD

#### DISTRICT BILASPUR (MADHYA PRADESH)

#### All Rights

Sl. No.	Village	Halka Number	Tahsil	District	Area in Hectares	Remarks
1	2	3	4	5	6	7
1.	Bhilai	10	Korba	Bilaspur	60.80	part
2.	Barbaspur	14	Korba	Bilaspur	51.44	part

1	2	3	4	5	6	7
3. Kudurmal		14	Korba	Bilaspur	42.22	part
4. Sonpuri		54	Katghora	Bilaspur	61.80	part
5. Kanberi		55	Katghora	Bilaspur	75.57	part
Total :			291.83 Hectares (approximately)			
			OR 721.111 Acres (approximately)			

Plot numbers to be acquired in village Bhilai (part)-1.

Plot numbers to be acquired in village Barbaspur (part)-Unsurveyed.

Plot numbers to be acquired in village Kudurmal (part)-1(P).

Plot numbers to be acquired in village Sonpuri (part)-661.

Plot numbers to be acquired in village Kanberi (part)-465 (P).

#### Boundary Description :-

**A—B—C** Line starts from point 'A' in village Bhilai and passes along the common boundary of villages Bhilai-Barbaspur, Sonpuri-Jatraj which is also through Hasdeo river and meets at point 'C'.

**C—D—E** Line passes along the western bank of the Hasdeo river and meets at point 'E'.

**E—F—G** Line passes in village Kanberi through plot number 465 and enter in village Kudurmal through plot number 1 and meets at point 'G'.

**G—H—I** Line passes along the eastern bank of Hasdeo river and meets on the common boundary of villages Kudurmal-Barbaspur and meets at point 'I'.

**I—J—A** Line passes along the eastern bank of Hasdeo river and meets at the starting point 'A'.

[No. 43015/8/89-LSW]

तर्हि विनाय, 13 मित्रवार, 1990

का. अ. 2530:—केन्द्रीय सरकार को यह प्रतीत होता है कि इसमें उत्तरवाह भग्नतूरी में उत्तिलिखित भर्मि में कोवाना अभिप्राप्त किया जाने की संभावना है; यह अब न केवल सरकार, कोपल, धारक थोक (अर्जन विभाग और) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए, उस थोक में कोपमें का पूर्वक्षण करने के प्रपत्ते अवश्य की सूचना देती है।

इस अधिसूचना के अधीन जनन विभाग सं. सी-1 (ई) III जे. ग्रा. /464-0490, तारीख 24 अगस्त, 1990 का निर्देशण बेस्टने कोलकाता डिप्लि. लिं. (राजस्व विभाग) कोल एस्टेट विभिन लाइन, नागपुर-440001 महाराष्ट्र के कार्यालय में या कलटर, चंदपुर (महाराष्ट्र) के कार्यालय में या कोपला नियंत्रक, 1, आउटिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भर्मि में हिन्दू लाली व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्ट्स और अन्य वस्तुवेजों को, डम अधिसूचना के राजस्व में प्रकाशन की तारीख से नव्वे दिन के भीतर, ग्राम्य अधिकारी, बेस्टने कोलकाता डिप्लि. लिं. (राजस्व विभाग, नागपुर-440001) को मेजेगे।

ग्रन्तमुद्दी  
नवा माजरी विभाग छांका  
द्वारा द्वारा  
जिला चन्द्रपुर (महाराष्ट्र)

क्र.सं. ग्राम का नाम	पटाखारी मर्किल में	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणियां
१. पटाला	३	भद्रावती	चन्द्रपुर	१२९.४३	भाग
२. नागलोत	३	भद्रावती	चन्द्रपुर	२९.६०	भाग

कुल : १५९.०८ हेक्टर (लगभग)

या

३९३.१० एकड़ (लगभग)

## सीमा वर्णन :

क-ख रेखा विन्दु "क" "ग्राम हांगा" है और वर्ग नं. ५ के नक्तों पर के दृग्यांश पटाला ग्राम से होकर गुजरती है वर्ग विन्दु "ख" पर मिलती है।

ख-ग रेखा ग्राम पटाला से होकर गुजरती है और ग्राम नागलोत में होकर अंगे बहती है और विन्दु "ग" पर मिलती है।

ग-घ रेखा ग्राम नागलोत और कुमता की सम्मिलित सीमा से होकर गुजरती है और विन्दु "घ" पर मिलती है।

घ-क रेखा ग्राम नागलोत से होकर गुजरती है और ग्राम पटाला से होकर आगे बहती है और आरम्भिक विन्दु "क" पर मिलती है।

[फा.म. ४३०१५/११/९०-एल.एम.डब्ल्यू.  
बी.वी. शाह, अधिकारी नियंत्रित]

inspected at the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or at the Office of the Collector Chandrapur (Maharashtra) or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Western Coalfields Limited, Coal Estate, Civil Lines Nagpur-440001, within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE  
NEW MAJRI EXTENSION BLOCK  
WANI AREA  
DISTRICT CHANDRAPUR (MAHARASHTRA)

Serial number	Name of village	Patwar, circle number	Tahsil	District	Area in hectares	Remarks
१. Patala		३	Bhadrawati	Chandrapur	१२९.४८	Part
२. Naglon		३	Bhadrawati	Chandrapur	२९.६०	Part
Total :					१५९.०८ hectares (approximately)	
or					३९३.१० acres (approximately)	

## Boundary description :

A-B Line starts from point 'A' and passes through village Patala along the northern bank of Wardha River and meets at point 'B'.

B-C Line passes through village Patala and then proceeds through village Naglon and meets at point 'C'.

C-D Line passes along the common boundary of villages Naglon and Kusna and meets at point 'D'.

D-A Line passes through village Naglon and then proceeds through village Patala and meets at starting point 'A'.

[No. 43015/11/90.LSW]

B.B. RAO, Under Secy.

नेट्रोनियम और रसायन संकाय  
(पट्रोलियम और प्राकृतिक गैस विभाग)

नई विल्सनी, 31 वित्तमंग, 1990

सा.ओ. 2551—नेट्रोनियम पाइपलाइन (भूमि में उपयोग के अधिकार वा अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 के अंडे (क) के अनुसार में केंद्रीय सरकार एवं द्वारा नियन्त्रित नालिका के कालम 1 में उल्लिखित प्राधिकारी को उक्त अधिनियम के अर्जन उक्त अनुसूची के कालम 3 में तत्संबंधी प्रविष्टि में उल्लिखित घोट में अन्तर्गत सक्षम प्राधिकारी के रूप में कार्य करने के लिए प्राधिकृत करती है।

प्रत्युत्तरी

नाम और पदनाम	पता	वज्र शस्य धेने की कार्य-सीमा
1	2	3

श्री वी.एस. नायिक प्रबोग प्राप्त महाराष्ट्र शायक, महाराष्ट्र में ग्राहीम इंडस्ट्रीज लिमि 91, माकाहर भवन थाल में मालकान तक, महाराष्ट्र राज्य में।  
सरकार। 230 नर्मन पाइप बम्बई।

[सं. O-11016/15/85-जीपी]  
नायिक प्रबोग, उपसचिव

### MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum & Natural Gas)

New Delhi, the 31st August, 1990

S.O. 2551.—In pursuance of Clause (a) of Section 2 of the

Petroleum and Mineral Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the authority mentioned in column 1 of the schedule below to perform the function of competent authority under the said act within the area mentioned in the corresponding entry in the column 3 of the said schedule.

### SCHEDULE

Name and Designation	Address	Territorial Jurisdiction
1	2	3
Shri V.S. Naik Retired Assistant Commissioner Govt. of Maharashtra.	M/s. Grasim Industries Ltd. 91. Sakhar Bhavan 230 Nariman Point Bombay.	That to Salvan in the State of Maharashtra.

[No. O-14016/45/85-GP.]  
RAJIV MEHRISHI, Dy. Secy.

### स्वास्थ्य और परिवार वित्तान्य भंडारण

नई विल्सनी, 22 अगस्त, 1990

का.ओ. 2552—केंद्रीय सरकार, भारतीय चिकित्सा केंद्रीय परिवर्तन अधिनियम, 1970 (1970 का 48) की धारा 14 की उपधारा (2) द्वारा प्रदत्त अस्तित्वों का प्रयोग करने हुए, भारतीय चिकित्सा केंद्रीय परिवर्तन से परामर्श करने के पश्चात् उक्त अधिनियम श्री दिनीय अनुसूची में निम्नलिखित और संशोधन करनी है, अर्थात्—

द्वितीय अनुसूची में—

(क) भाग-I में मध्य प्रदेश शीर्षक के नीचे रखिएके विवरितालय रायपुर से मंत्रित कम संख्या 47 के माध्यम स्वास्थ्य 2, 3 और 4 में विद्यमान प्रविष्टियां के पश्चात निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात्—

2	3	4
डाक्टर आर्क आयुर्वेदिक मेडिसिन डी.साथ.एम.,	1977 से 1978 तक	
डाक्टर आर्क मेडिसिन (आयुर्वेद)	1979 से 1981 तक	
आयुर्वेद वाचालनि एम.डी.	1982 में आगे—	
[आयुर्वेद (काय चिकित्सा)]		

(ख) भाग-II में, "महाराष्ट्र" शीर्षक के नीचे अम.म. 118 और उसमें संबंधित प्रविष्टियों के पश्चात नियन्त्रित कम संख्या और प्रविष्टिया जोड़ी जाएंगी, अर्थात्—

1	2	3	4
"ग्राह आर्ह सी"	कर्मिक-ए-लिन्ड ओ- श्री श.एम.एम	1988 से आगे	
पुना	जोरलूट		
विश्वविद्यालय, पुने	(युनानी आयुर्विज्ञान तथा औन्य का स्नातक)		

[सं.बी. 26015/3/90-ए.ई]  
एम. लियेंटी, अवैर सचिव

टिप्पणी—भारतीय चिकित्सा परिवर्तन अधिनियम, 1970 (1970 का 18) की दूसरी अनुसूची में निम्नलिखित डाक्तर संशोधन दिया गया—  
1. का.आ.म. 4068 दिनांक 30 अगस्त, 1979  
2. का.आ.म. 2635 दिनांक 18 अगस्त, 1980  
3. का.आ.म. 2313 दिनांक 20 अगस्त, 1981

4. का.आ.सं. 2314 दिनांक 22 प्रगत्य, 1981
5. का.आ.मं. 137 दिनांक 24 विसम्बर, 1981
6. का.आ.सं. 638 दिनांक 25 जनवरी, 1982
7. का.आ.मं. 661 दिनांक 2 फरवरी, 1982
8. का.आ.ग. 973 विनांक 20 फरवरी, 1982
9. का.आ.म. 354 (ई) दिनांक 6 मई, 1983
10. का.आ.मं. 3550 दिनांक 5 जितम्बर, 1983
11. का.आ.मं. 801 (ई) दिनांक 11 नवम्बर, 1983
12. का.आ.मं. 462 (ई) दिनांक 23 जन, 1984
13. का.आ.सं. 1911 दिनांक 17 अप्रैल, 1985
14. का.आ.मं. 2745 दिनांक 29 मई, 1985
15. का.आ.मं. 3101 दिनांक 5 जुलाई, 1985
16. का.आ.मं. 4057 दिनांक 14 अगस्त, 1985
17. का.आ.मं. 5603 दिनांक 2 विसम्बर, 1985
18. का.आ.मं. 5671 दिनांक 5 विसम्बर, 1985
19. का.आ.मं. 832 दिनांक 17 फरवरी, 1986
20. का.आ.मं. 1832 दिनांक 16 अप्रैल, 1986
21. का.आ.मं. 627 दिनांक 2 फरवरी, 1987
22. का.आ.मं. 780 दिनांक 25 फरवरी, 1987
23. का.आ.मं. 1030 दिनांक 30 मार्च, 1987
24. का.आ.मं. 1948 दिनांक 9 जुलाई, 1987
25. का.आ.मं. 3186 दिनांक 30 अगस्त, 1987
26. का.आ.मं. 1697 दिनांक 15 अप्रैल, 1988
27. का.आ.मं. 1504 दिनांक 22 अप्रैल, 1988
28. का.आ.मं. 1040 दिनांक 6 अप्रैल, 1989
29. का.आ.मं. 1920 दिनांक 21 जुलाई, 1989
30. का.आ.मं. 2177 दिनांक 14 अगस्त, 1989
31. का.आ.मं. 2594 दिनांक 21 सितम्बर, 1989
32. का.आ.मं. 969 (ई) दिनांक 29 नवम्बर, 1989

## EXTRACT

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 22nd August, 1990

S.O. 2552.—In exercise of the powers conferred by subsection (2) of section 14 of the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Government, after consulting the Central Council of Indian Medicine, hereby makes the following further amendments in the Second Schedule to the said Act, namely :—

### In the Second Schedule :—

(a) In part-I under the heading "Madhya Pradesh" against serial No. 47 relating to the entry Ravisankar Vishwavidyalaya, Rajpur, in column 2,3 and 4 after the existing entries, the following entries shall be added namely :—

2	3	4
"Doctor of Ayurvedic Medicine	D.Ay.M	From 1977 to 1978
Doctor of Medicine (Ayurved)	—	From 1979 to 1981
Ayurved Vachaspati-MD (Ayurved) (Kaya Chikitsa)	—	From 1982 onwards"

(b) In part-II, under the heading "Maharashtra" after serial No. 118 and the entries relating thereto, the following serial number and entries shall be added, namely :—

(1)	(2)	(3)	(4)
"IIC Poonja University, Pune	Kamli-e-Tib-o- Jurahat (Bachelor) of Unani Medicine & Surgery)	BUMS	From 1988 onwards 'D'

[No. V. 26015/3/90-AE]  
M. TRIVEDI, Under Secy.

NOTE :—The Second Schedule to the Indian Medicine Central Council Act, 1970 (48 of 1970) has been subsequently amended vide :

1. S.O. No. 4068 dated the 30th November, 1979.
2. S.O. No. 2635 dated the 18th September, 1980.
3. S.O. No. 2313 dated the 20th August, 1981.
4. S.O. No. 2314 dated the 22nd August, 1981.
5. S.O. No. 137 dated the 24th December, 1981.
6. S.O. No. 638 dated the 25th January, 1982.
7. S.O. No. 661 dated the 2nd February, 1982.
8. S.O. No. 973 dated the 20th February, 1982
9. S.O. No. 354(F) dated the 6th May, 1983.
10. S.O. No. 3550 dated the 5th September, 1983.
11. S.O. No. 804(F) dated the 11th November, 1983.
12. S.O. No. 462(E) dated the 23rd June, 1984
13. S.O. No. 1911 dated the 17th April, 1985.
14. S.O. No. 2745 dated the 29th May, 1985.
15. S.O. No. 3404 dated the 5th July, 1985.
16. S.O. No. 4057 dated the 14th August, 1985.
17. S.O. No. 5603 dated the 2nd December, 1985.
18. S.O. No. 5671 dated the 5th December, 1985.
19. S.O. No. 832 dated the 17th February, 1986.
20. S.O. No. 1832 dated the 16th April, 1986.
21. S.O. No. 627 dated the 2nd February, 1987.
22. S.O. No. 760 dated the 25th February, 1987.
23. S.O. No. 1030 dated the 30th March, 1987.
24. S.O. No. 1946 dated the 9th July, 1987.
25. S.O. No. 3186 dated the 30th October, 1987
26. S.O. No. 1697 dated the 15th April, 1988.
27. S.O. No. 1504 dated the 22nd April, 1988.
28. S.O. No. 1040 dated the 6th April, 1989.
29. S.O. No. 1910 dated the 21st July, 1989.
30. S.O. No. 2177 dated the 14th August, 1989.
31. S.O. No. 2594 dated the 21st September, 1989.
32. S.O. No. 969(F) dated the 29th November, 1989.

(सार्वजनिक)

वर्षा विद्युती ६ विद्युत्पत्र १०००

का आ 2553—दूसरे विकित्या अधिनियम, 1918 (1948 का 16) की धारा 10, उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त प्रक्रियाओं का प्रयोग करने हए केंद्रीय संग्राह एवं वितरण भारतीय दूसरे विकित्या परियद् में प्रयोग करने उक्त अधिनियम की अनुसूची के भाग-III में निम्नलिखित संशोधन करनी है। अर्थात् :—

अनुसूची के भाग III में क्रमांक 72 प्रीर उसमें संबंधित प्रतिष्ठियों के बाद निम्नलिखित क्रमांक प्रीर प्रतिष्ठियों जोड़ी जाएंगी, अर्थात् —

“73 उदाहरण विष्वविद्यालय 1980 अध्यवा उपर्युक्त  
नामजिग्या याद प्रदान की गई दी. दी. पास.  
उदाहरण”

## दंत शास्य श्रिकिश्मा

## स्नानक की डिप्पी

[सं. श्री-12017/7/89-गी एम एम]

आर. नीतिवासन, अवगत मंचित्र

दिनांक : ब्रह्मूत्र स वार्ष में निम्नलिखित गणवित दिनांक हैं :—

1. का. आ० संख्या 366, विनांक 12 जनवरी, 1977
2. का. आ० संख्या 2671, विनांक 17 मिस्रेवर, 1981
3. का. आ० संख्या 1973, विनांक 11 अप्रैल, 1983

(Dept. of Health)

New Delhi, the 6th September, 1990

S.O. 2553.—In exercise of the powers conferred by clause (b) of sub-section (4) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby makes the following amendment in Part III of the Schedule to the said Act, namely :—

In Part III of the Schedule after serial number 72, and the entries relating thereto, the following serial number and entries shall be added, namely :—

“73. University Of Ibadan, Nigeria.	Bachelor of Dental Surgery When granted on or after 1980.	B.D.S. Ibadan.”
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[No. V-12017/7/89-PMS]  
R. SRINIVASAN, Under Secy.

NOTE.—The Schedule has been subsequently amended vide :

1. S.O. Number 366 dated the 12th January, 1977.
2. S.O. Number 2671 dated the 17th September, 1981.
3. S.O. Number 1973 dated the 11th April, 1983.

### शहरी विकास संचालन

(विलीन प्रभाग)

नई दिल्ली, 11 गिनवर, 1990

का.प्रा. 2554.—यह: निम्नलिखित धोर्त्रों के बारे में कलिपय मंशोधन, जिन्हें केन्द्रीय सरकार नीति वर्णन धोर्त्रों के बारे में विलीन वृद्ध योजना/धोर्त्रीय विकास योजना में प्रस्तावित करनी है जो विलीन विकास अधिनियम, 1957 (1957 का 61) की धारा 44 के अनुसार विनांक 2-6-1990 के नोटिस संख्या एफ 16(8)/85-एस पी द्वारा प्रकाशित किए गए थे, जिसमें उक्त नियम की धारा 11-क धी उपधारा (3) में अप्रैलिन आवासियां/सुमात्रा, उक्त नोटिस की तारीख गे 30 विन की प्रवधि के भीतर आवंतित किए गए थे।

और यह: उक्त प्रस्तावित मंशोधनों के बारे में कोई आपत्ति द्वारा गुमाव प्राप्त नहीं हुए है, और यह: केन्द्रीय सरकार ने विलीन वृद्ध योजना/धोर्त्रीय विकास योजना में मंशोधन करने का निर्णय लिया है। अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 11-क की उपधारा (2) द्वारा प्रवस्त धोर्त्रों का प्रयोग करने द्वारा, भारत के राजपत्र में हम प्रशिक्षणवान के प्रकाशन की चारीबद्ध में विलीन की उक्त वृद्ध योजना में उन्नतद्वारा निम्नलिखित मंशोधन करनी है।

#### मंशोधन :

“मोन ई-13 (चाणक्यपुरी धोर्त्र) के अन्तर्गत आने वाले और उत्तर-पश्चिम में मण्डाव पटेल (150 फुट मार्गालिकार), इक्षिण पश्चिम में व्याध-गांधिक उपयोग (ब्रोटल मीरी जैगारा), इक्षिण-पूर्व और उत्तर-पूर्व में प्रावा-सीय उपयोग (गेलों कालोलो तथा सरकारी स्टाफ क्वार्टर्स) से विरो दृष्ट लगभग 4,035 हेक्टेयर (10 एकड़) धोर्त्र का स्थिति उपयोग “प्रावासीय उपयोग” में वर्करकर “सरकारी उपयोग” किया जाता है।”

[म के. 13011/1/90-डी. ई-ए. ई. ]  
मर्जन देव, अवर मन्त्री

### MINISTRY OF URBAN DEVELOPMENT

(Delhi Division)

New Delhi, the 11th September, 1990

S.O. 2554.—Whereas certain modifications, which the Central Government proposes to make in the Master Plan for Delhi/Zonal Development Plan regarding the areas mentioned hereunder, were published with Notice No. F 16(8)/85-MP dated 2-6-1990 in accordance with the provisions of section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions, as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of the said notice.

And whereas no objections and suggestions have been received with regard to the said proposed modification, and whereas the Central Government have decided to modify the Master Plan for Delhi/Zonal Development Plan. Now therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

#### MODIFICATION :

“The land use of an area, measuring 4.035 hect. (10 acres), falling in Zone D-13 (Chanakaya Puri Area) and bounded by Sardar Patel Marg (200 R/W) in the North-West, Commercial use (Hotel Maurya Sheraton) in the South-West, residential use (railway colony & Govt. staff quarters) in the South-East and North-East, is charged from ‘Residential use’ to ‘Government use’.

[No. K-13011/1/90/DD/VA/IB]  
ARJUN DEV, Under Secy.

### सूचना और प्रसारण संशोधन

नई दिल्ली, 7 गिनवर, 1990

का.प्रा. 2555.—कलाचिक्र अधिनियम 1952 (1952 का 37) के लेण्ड-5 के उपखण्ड (1) और चतुर्थिंश (प्रमाणान) नियम, 1983 के नियम 7 और 8 में प्रदान धोर्त्रों के प्रस्तावोजन में और हम मंशालय के विनांक 9 जुलाई, 1990 की समसंबंधित अधिकृतना के प्रत्यक्षम में केन्द्रीय सरकार, केन्द्रीय पिल्लम प्रमाणन बोर्ड के लिखेत्वम भलाहकार पैनल के निम्नलिखित मध्यस्थों को 23 अगस्त, 1990 से शाम्ले आदेशों तक नियुक्त करनी है :—

1. श्रीमती उषा राजगोपालन
2. श्रीमती देवयानी रामकृष्णन
3. श्री टी.एन. जयदेवन
4. श्री लोकम रामेश्वरन
5. श्रीमती जांता ए. नायर
6. श्रीमती भी.के. लिले
7. श्रीमती नवोना कुमारी
8. श्रो. पी. नारायण कुम्प

2. मर्बे/श्री पी. भास्करन, जयचन्द्रन नायर और श्रीमती गौरी पांडी नायर नामक प्रभाव में लिखेत्वम भलाहकार पैनल के सदस्य नहीं होंगे।

[फाईल नं. 811/10/90-एफ (मी.)]  
मी.पम. यग्म, डेस्क अधिकारी

### MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 7th September, 1990

S.O. 2555.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), and rules 7 and 8 of the Cinematograph

(Certification) Rules 1983 and in continuation to this Ministry's Notification of even number dated 9th July, 1990, the Central Government is pleased to appoint the following as Members of Trivandrum Advisory Panel of the Central Board of Film Certification with effect from 23rd August, 1990 and until further orders :—

1. Smt. Usha Rajagopalan
2. Smt. Devayani Ramakrishnan
3. Smt. T. N. Jayadevan
4. Shri Thottam Rajasekharan
5. Smt. Santha P. Nair
6. Smt. C. K. Lily
7. Smt. Nalini Kumari

Shri P. Narayana Kurup.

2. S|Shri P. Bhaskaran, Jayachandran Nair and Smt. Gouri Parvati Bhai will cease to be Members of the Trivandrum Advisory Panel with immediate effect.

[File No. 814/10/90-F(C)]

I. S. ARASU, Desk Officer (F.C.)

अम संकालय

नई दिल्ली, 5 सितम्बर, 1990

का. आ. 2556.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नियोजित कालीस कम्पनी लिमिटेड के प्रबन्धनात्मक संबंध नियोजकों और उनके कर्मकारी के बीच, अनुबन्ध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण, अन्ध्र प्रदेश के नंबर 5 को प्रतागित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

#### MINISTRY OF LABOUR

New Delhi, the 5th September, 1990

S.O. 2556.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Andhra Pradesh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Co. Ltd. and their workmen, which was received by the Central Government on 5th September, 1990.

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

Dated 17th August, 1990

Industrial Dispute No. 109 of 1984

BETWEEN :

The Workmen of Singareni Collieries Company Limited, Ramakrishnapur Division-I, Adilabad District, A. P.

AND

The Management of Singareni Collieries Company Limited, Ramakrishnapur Division-I, Adilabad District, A. P.

#### APPEARANCES :

Sarvasri K. G. Kannabiran and B. Nalin Kumar, Advocates—for the Workmen.

Sarvasti K. Srinivasa Murthy, H. K. Saigal and G. Sudha, Advocate—for the Management.

#### AWARD

The Government of India, Ministry of Labour & Rehabilitation by its Order No. L-22011/32/84-D.III.B. dated 15th December, 1984 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employees in relation to the management of Singareni Collieries Company Limited, Ramakrishnapur Division-I and their workmen to this Tribunal for adjudication :—

“Whether the management of Messrs, Singareni Collieries Co. Ltd., Ramakrishnapur Division-I, P. O. Ramakrishnapur, District, Adilabad (A.P.), are justified in denying (i) two extra increments to Servaari T. Krishna Swamy, Short-firer, R. K. 3 Incline and Ch. Rajamallu, Overman, SRR, 2A Incline with effect from 20-7-77 and 12-7-77 respectively and (ii) promotion of Grade 'C' Shortfirer with effect from 26-9-1979 to Sri Sh. Rajamallu? If not to what relief are the workmen concerned entitled?”

This reference was registered as Industrial Dispute No. I.D. 109/84 and notices were issued to the parties.

2. In the claim statement it was alleged that there two workmen Sri T. Krishna Swamy and Ch. Rajamallu were promoted as Short Firers i.e. 27-7-1987 and on 22-7-1997 respectively. As per understanding dated 28-9-1978 extra increment were granted for Mining Staff and as per it all Overmen Mining Sirdar and Short Firers in service as on 31-12-1977 are to be given two extra increments in their pay with effect from 1-8-1977 or from the date of their entry into that cadre. It is also pertinent that two other employees who were promoted as such namely D. Saitiah and H. S. N. Swamy promoted on 17-8-1977 and 27-1-1978 were given two increments. But still inspite of their repeated representations, they were not given increments. Hence it is requested that an Award may be passed granting increments to them.

3. A counter was filed on behalf of the Management contending that the practice of promotion as Short Firer 'D' Grade existing prior to 28-9-1978 was that one should possess valid Gas Testing, First Aid and Shot Firer Certificates and he should deposit these certificates in the Pit Office and then his case will be considered for promotion basing on the availability of vacancies. But the Union raised a dispute and here was a settlement dated 28-9-1978 (the terms of the Settlement No. 11(a)(b) were extracted in the counter). T. Krishna Swamy was promoted as Shot Firer from 20-7-1977 as per order dated 17-2-1979. Likewise Rajamallu was promoted as Shot Firer from 22-7-1977 as per another order of the same date. From the above it can be seen that they were promoted in 1979 with retrospective effect wrongly, they cannot claim extra increments allowed to the Shot-firer who were in service as Shot Firers as on 31-12-1977. It is incorrect to say that the promotion orders were of 1977. The other workmen mentioned D. Saitiah and H. S. N. Swamy were given the benefit special increments 'wrongly' by wrong interpretation of the Settlement dated 28-9-1978. Hence the same cannot be repeated in the case of the workmen-mentioned also. Hence they are not eligible and not entitled for any increments.

4. Evidently this is a matter of fact, the question involved is a point about applicability of Clauses 11(a), (b) and (d) and the facts are not in dispute at all. Even the workmen has admitted that they were promoted in 1979 only with retrospective effect. Hence the oral evidence has not been discussed much. Ex. W-1 is the Circular extracted the following :

(i) All Overmen, Mining Sirdars and Shot Firers in increments in their pay with effect from 1-8-1977 or from the date of their entry into that cadre after 1-6-1977 whichever is later.

(ii) Similarly, Overmen, Mining Sirdars and Shot firers appointed between 1-1-1978 and 15-8-1978 will also be given one extra increments, as a special case, with effect from the date of their entry into that cadre.

(iii) The increments so granted as above, will be treated as purely personal to themselves and get merged automatically in the future revision of pay, if any."

Ex. W-2 is 'L. Krishna Swamy's promotion order promoting him as Shot-firer 'D' with effect from 20-7-1977' as rightly mentioned in the counter dated 15/17-2-1979. Ex. W-5 is the promotion order of Raja Mallu same as "w.e.f. 22-7-1977" of the same date 15/17-2-1979. Exs. W-6 and W-7 are the promotion orders of H. D. Satyanarayana and D. Saidaiyah "w.e.f. 22-1-1978 and 17-8-1977 respectively" and they are also dated 15/17-2-1979. Ex. M-1 is a Circular issued along with the memorandum of settlement dated 28-9-1978 with regard to implementation of the various items of the Memo especially requesting the Divisional Superintendent to "arrange to take action on items 11(f), (g), (h) and 14 from your end". Ex. M-2 is the correction slip dated April/May, 1983 wherein it was mentioned that the promotions were effected "with retrospective effect from 22-7-1977 and 20-7-1977 respectively inadvertently. Hence they are not entitled for any special increments."

5. Thus it is evident that the Management admitted that they gave promotions retrospective (very curious procedure which cannot be found anywhere) but later on realised and stated in 1983 that is after four years, that it was done inadvertently.

6. But there is evidence of MW-1 the Perusal Manager. It was elicited in cross examination "it is true that in Singareni Collieries there are instances of giving promotions with retrospective effect. It is not correct to say that they are normally giving promotions with retrospective effect due to wrong practices. Now I see Exs. W-6 and W-7 I find in these orders also promotions were given with retrospective effect." A suggestion was made to two workers, WW-1 the workman in question and WW-2 that the increments given to Saidaiyah and Satyanarayana was revised.

7. These are materials that were placed before this Tribunal. It is evident that (1) promotions were given to respective effect from 1977 (2) for such people as per the Memorandum of Settlement dated 28-9-1978 increments should be given (3) though it was mentioned inadvertently in Ex. M-2 it was issued since four years and later on (4) though it was suggested that the other two workers who are given retrospective increments as per Ex. W-6 and Ex. W-7, no revised slip similar to Ex. M-2 were filed with regard to them and MW-1 is silent about these two workers who were given retrospective promotions similar to WW-1 and WW-2.

8. If really any mistake was committed in giving retrospective effect promotion that should have been rectified immediately and this is a matter pending from 1984 onwards and Ex. M2 is of order dt. 1983. M W1 also categorically stated in cross examination "It is not true to say that as we fabricated, Ex. M2 for needs of this I.D. the names of people covered by Ex. W6 and Ex. W7 are not indicated in this Ex. M2. Now I see that copies of Ex. M2 are not marked to the effected workmen."

9. In view of all these things, an Award is passed in favour of the workmen ordering the management to give them all promotional benefits from the date mentioned in Ex. W2 and W5 namely w.e.f. 20-7-1977 and 22-7-1977.

10. Hence the Management of Messrs Singareni Collieries Company Limited, Ramakrishnapur Division I, P.O. Ramak-

krishnapur, District Adilabad (A.P.) are not justified in denying (i) two extra increments to Savasri T. Krishna Swamy, Short-firer, R.K. 3 Incline and Ch. Rajamallu, Overman, SRP. 2A Incline with effect from 20-7-1977 and 22-7-1977 respectively and (ii) Promotion to Grade 'C' Shortfirer with effect from 26-9-1979 to Srl Ch. Pujomallu and the workmen are entitled to all the benefits mentioned supra.

Award passed accordingly.

Dictated to the Senographer, transcribed by him, corrected by me and given under my hand the seal of this Tribunal this the 17th day of August, 1990.

K. TARANADH, Industrial Tribunal

#### APPENDIX OF EVIDENCE

##### Witnesses Examined for

##### the Workmen :

W.W1 T. Krishna Swamy

W.W2 K. Balaiah

##### Witnesses Examined for

##### the Management:

M.W1 F. S. Thomas

#### DOCUMENTS MARKED FOR THE WORKMEN

Ex. W1—True Copy of the Circular dt. 28-9-78 issued by General Manager, S.C. Company Limited, Kothagudam Collieries to all S.M.Es/Colliery Managers of all collieries with regard to extra increments for Mining Staff.

Ex. W2—Promotion order dt. 15/17-2-1979 issued to T. Krishna Swamy Coal Filler by the Additional G.M., MM & RKP. S.C. Co. Ltd.

Ex. W3—Postal Receipt No. 2905 dt. 3-2-87.

Ex. W4—Notice dt. 27-1-87 issued to the Chairman and Managing Director, S.C. Company Limited, Meher Manzil, Red Hills, Hyderabad by the Counsel for the Workman.

Ex. W5—Promotion Order dt. 15/17-2-79 issued to C. Raja Mallu, General Mazdoor, R.K. 3 by the Additional G.M., M M & RKP S.C. Co. Ltd., Kalyanikhami.

Ex. W6—Promotion Order dt. 15-2-79 issued to H. Satyanarayana Coal Filler, Ravindra Khani No. 3, R.K. Pur No. 1 Division by the Additional G.M., MM & RKP, S.C. Co. Ltd., Kalyanikhami.

Ex. W7—Promotion Order dt. 15/17-2-79 issued to D. Saidaiyah, Coal Filler, Ravindra Khani No. 3, RKP 1 Division by the Additional G.M., MM & RKP S.C. Co. Ltd., Kalyanikhami

Ex. W8—Promotion Order dt. 12/15-6-1980 issued to Ch. Rajamallu, Shortfirer 'C' Grade R.K. 3 Incline, by the Additional G.M., MM & RKP. S.C. Co. Ltd., Kalyanikhami.

#### DOCUMENTS MARKED FOR THE MANAGEMENT

Ex. M1—Copy of Memorandum of Settlement arrived at U/s. 12(3) of the I.D. Act, 1947 on 28-9-1978 at Kothagudam in the Industrial Dispute between the Management of S.C. Co. Ltd., and their workmen represented by (1) Singareni Collieries Workers' Union and (2) Tandur Coal Mines Labour Union, over a charter of demands.

Ex. M2—Letter dt. 25-4/3-5-1983 of the G.M., MM & RKP, S.C. Co. Ltd., to the Additional C.M.E., RKP 1 with regard to grant of Special Increments under New A.L.

K. TARANADH, Industrial Tribunal

का आ. 2557.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पैमाने से, सी. लिमिटेड डाकदर—ईसरधार के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकारण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

S.O. 2557.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on the 5-9-90.

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 61/88

PARTIES : Employers in relation to the Management of M/s. Eastern Coalfields Ltd.

AND

Their Workmen

## APPEARANCES :

For the Employers—Sri B. N. Lala, Advocate.

For the Workmen—Sri Samiran Chakravorty, Genl. Secretary, CMEU.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 17th August, 1990

## AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012/51/88-D.IV(B) dated 4-8-88.

## SCHEDULE

"Whether the Chairman-cum-Managing Director of M/s. E.C. Ltd., Sanctoria, P.O. Dishergarh, Dist. Burdwan in not allowing Sri Bachhulal Hela, Safaiwala of Mines Rescue Station, Sitarampur to continue in employment w.e.f. 1-4-85 on the basis of School Leaving Certificate and Medical Report dated 6-1-48 and 25-2-85 respectively was justified? If not, to what relief the workman is entitled?"

2. During the pendency of the case, on 16-8-90 both the parties filed a joint petition of compromise duly signed by them with a prayer to make an award in terms of the settlement.

2. I have gone through the terms of settlement and I find them quite fair and reasonable. Accordingly in terms of the settlement the award is passed. The terms of settlement shall form part of the award.

N. K. SAHA, Presiding Officer.  
[No. L-2404/51/88-D.IV(B)]

BEFORE THE HON'BLE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL  
Ref. No. 61 of 1988

## PARTIES :

Employers in relation to the management of Eastern Coalfields Ltd.

AND  
Their Workmen  
(Sri Bachhulal Hela)

## JOINT PETITION OF COMPROMISE

1. Both the parties aforesaid beg to submit as under:

That the aforesaid matter is pending before the Hon'ble Tribunal and the matter has not been fully heard as yet.

2. That in the meantime, both the parties have to come to an amicable settlement on the following terms:

## TERMS OF SETTLEMENT

(i) That Sri Bachhulal Hela, the workman concerned will be sent for determination of his age to the Apex Medical Board of the company at Sanctoria Hospital within 15 days from date.

(ii) That both the parties shall be bound by the findings of the said Apex Medical Board.

(iii) That in case according to the findings of Apex Medical Board the workman concerned Sri Bachhulal Hela is found below 60 years (sixty years) of Age, the workman will be allowed to resume his duty in his original post of Safaiwala.

(iv) That for the period of idleness from 1-4-85 till the date he resumes duty in terms of Para 'iii' above the workman shall be paid 50% of his wages with 2(two) months from the date he resumes duty.

By the settlement the instant matter and any incidental matter arising out of instant reference shall be fully and finally resolved.

(v) That this Settlement will be affective from the date it is accepted by the Hon'ble Tribunal.

3. Both the parties pray that the Hon'ble Tribunal may be pleased to accept this settlement as fair and proper and may be further pleased to pass an Award in terms of the Settlement.

Dated 16th August, 1990.

For & on behalf of the  
Eastern Coalfields Limited.

For & on the behalf of the workman.  
G. S. Coal Employees Union.

का. आ. 2558.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, डॉक्यू. सी. पॉन्टर एवियो के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकारण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

S.O. 2558.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. W.C.L., Konber Area and their workmen, which was received by the Central Government on the 5-9-90.

## ANNEXURE

BEFORE SHRI V. N. SHUKLA PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/I.C(R)(47)/1986

## PARTIES :

Employers in relation to the management of Mohan Colliery of W.C.L. P.O. Junnardeo, District Chandwara (M.P.) and their workman, A. Mateen represented through the M.P. Rashtriya Koyal Kuanan Mazdoor Sangh (INUC), Chandametta, P.O. Parasia, Distt. Chandwara (M.P.).

## APPEARANCES :

For Workman—Shri S.K. Rao, Advocate.

For Management—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mining— District : Chhindwara (M.P.)

## AWARD

Dated, August, 27th 1990

This is a reference made by the Central Govt. in the Ministry of Labour vide its Instruction No. L-22012/3/84-L.V. dated our date, 1980 for adjudication of the following dispute:

"Whether the action of the management of M/s. W.C.L., Kalluan Area in relation to the Mohan Colliery in demoting Sri A. Mateen from Clerical Grade I to Clerical Grade II and reducing his pay to Rs. 500 (minimum of Grade II) is justified? If not, to what relief the workman is entitled?"

2. After filing of pleadings by the parties the case was fixed for arguments on the question of validity of domestic enquiry on 20-8-1980 when the parties argued on preliminary point, thereafter my learned predecessor passed an order holding that the enquiry is improper, illegal and not in accordance with the natural justice hence it is vitiated. Since the management had asked for an opportunity to prove misconduct before this Court, in case the enquiry is held to be vitiated, management was allowed to do so. Therefore the case was fixed for supply of relevant documents to the workman on 21-1-1986 and thereafter for evidence of parties on 30-10-1986. Parties did not adduce evidence and took time for the same. On 13-8-1990 Counsel for both parties appeared and stated that the case has been settled in the year 1986 and the same has already been implemented. They also filed a photocopy of the settlement dated 2-9-1986 and verified the same before this Court.

3. It is observed that the settlement between the parties was arrived at on 2-9-1986 but the parties did not file the Memorandum of Settlement earlier. They should have done so at least on 10-12-1986 which was a date for recording of evidence. They did so only on 13-8-1990 i.e. after about four years from the date of settlement. Therefore the case remained unnecessarily pending in this Court for such a long period.

4. The terms of settlement agreed upon between the parties are as under :—

"1. It was agreed that Sri Mateen, who had been demoted from Clerical Gr. I to Clerical Gr. II with effect from 20-8-83 will be placed again in Clerical Gr. I with effect from 1-1-1986. His pay in Clerical Gr. I with effect from 1-1-86 shall be notionally fixed as if he had not been demoted to Clerical Gr. II and appears for the period from 1-1-86 onwards shall be paid within one month from the date of the award. No arrears for the period from 20-8-83 to 31-12-85 will be payable to Sri Mateen during which period he was demoted to Clerical Gr. II

2: It was also agreed by the parties that Shri Mateen will be paid arrears of wages from 1-1-83 to 19-8-83 on account of fixation in NCWA III in Clerical Gr. I after adjusting the amount already paid

3. This agreement shall not be treated as a precedent for any other case.

4. This fully and finally resolves the dispute pending before C.G.I.T. vide the reference quoted above.

5. The parties agree to file the compromise settlement before the Presiding Officer, C.G.I.T. and request for an award in terms of the settlement."

Counsel for both the parties have stated on 13-8-90 that the case has been settled in the year 1986 and settlement implemented."

5. I have gone through the above terms of settlement. The terms of settlement appear to be just and proper I therefore record my award in terms of the settlement arrived at between the parties on 2-9-1986, photo copy of which is on record, which according to the parties have already been implemented. However, if there is anything remained to be implemented in terms of settlement it should be done within one month from the date of the award. Award is made accordingly. No order as to costs.

V. N. SHUKLA, Presiding Officer  
[No L-22012/3/84-D.IV(B)]

का. आ. 2559.—आधोगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में, कर्त्तव्य सरकार बंसरा कुलारा मै. ई. सी. लिम्बेड के प्रबन्धतत्व के नियाजकों और उनके कर्मकारों के बीच, अनुबंध में निश्चित आधोगिक विवाद में कर्त्तव्य सरकार आधोगिक आधारण आसनसोल के के पचांट का प्रकाशित करती है, जो कर्त्तव्य सरकार का 5-9-90 का प्राप्त हुआ था।

S.O. 2559.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bansra Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on the 5-9-90.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 34/89

## PARTIES.

Employers in relation to the Management of Bansra Colliery of M/s. E.C. Ltd.

AND

Their workman.

## APPEARANCES :

For the Employers—Shri P. Banerjee, Advocate.

For the Workman—Shri C. S. Mukherjee, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 28th August, 1990.

## AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(13)/89-IR(C-II) dated the 18th July, 1989.

## SCHEDULE

"Whether the action of the Management of Bansra Colliery of E.C. Ltd. in denying upgradation to Sri Manager Singh, Bill Clerk w.e.f. 7-10-83 is justified? If not, to what relief the concerned workman is entitled?"

2. In this case according to the terms of the order of Reference we are to consider "whether the action of the management in denying upgradation to Manager Singh, Bill Clerk w.e.f. 7-10-83 is justified". But in fact the workman challenged the order of punishment by which he was revert-

ct to the post of lower grade. So the basis of the order of Reference the workman cannot get appropriate relief as claimed by him.

3. The Union has filed a petition for withdrawal of the case with a leave to raise fresh dispute

4. Considering the facts and circumstances of the present case, I find that the ground taken in the petition by the Union is well founded. So the prayer for withdrawal of the case is allowed and a no dispute award is passed in this case. But the workman will be at a liberty to raise a fresh dispute challenging his order of punishment.

This is my award

N. K. SAHA, Presiding Officer  
[No. L-22012/13/89-IR(C-II)]

का. अा. 2560.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लोअर कैडा बुलारी मैं० ई. सी. लिमिटेड के प्रबन्धतंत्र के मैंवरु नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्णिय आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण आसन-सोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

S.O. 2560.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 5-9-90.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL Reference o. 32/90

#### PARTIES :

Employers in relation to the Management of Lower Kenda Colliery of M/s. Eastern Coalfields Ltd.  
AND

Their workman.

#### APPEARANCES :

For the Employers—Shri P. K. Das, Advocate

For the Workman—Shri Manoj Mukherjee, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 27th August, 1990

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(69)/90-IR(C-II) dated the 26th July, 1990.

#### SCHEDULE

“Whether the action of the management of Lower Kenda Colliery of M/s. E.C. Ltd, P.O. Bohula, Dist. Burdwan in dismissing Shri Mona Majhi, Underground Trammer w.e.f. 18-4-1986 is justified? If not, to what relief is the concerned workman entitled?”

2. Shri P. K. Das the learned Lawyer for the management and Sri Manoj Mukherjee the learned Advocate for the workman are present. At this stage a petition is filed

by Sri P. K. Das on behalf of the management stating that the dispute has been amicably settled and a no dispute award may be passed. Sri Manoj Mukherjee the learned Advocate for the workman has made endorsement 'no objection' on the said petition.

3. In the circumstances the Court has no other alternative but to pass a 'no dispute' award and according a no dispute award is passed.

N. K. SAHA, Presiding Officer.  
[No. L-22012/69/90-IR(C-II)]

#### अंदेश

नई दिल्ली 12 मित्रवर, 1990

का. अा. 2561.—वैस्टर्न कॉलकाता लेस लिमिटेड के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व—राष्ट्रीय कोयला खादान मजदूर संघ (इंटक) करती है, एक आंदोलिक विवाद विद्यमान है,

आर उक्त नियोजकों और उनके कर्मकारों ने ने आंदोलिक विवाद अधिनियम, 1947 (1947) का 14) की धारा 10-क की उपधारा (1) के प्रधीन एक नियन्त्रित करार द्वारा उक्त विवाद को उम्में वर्णित व्यक्ति के माध्यम के लिए निर्देशित करने का करार कर लिया है, और उक्त मध्यस्थान करार की एक प्रति केन्द्रीय सरकार को भेजी गई है।

अतः अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार उक्त माध्यम करार को, प्रतिद्वारा प्रकाशित करती है।

(करार)

(आंदोलिक विवाद अधिनियम, 1947 की धारा 10-क के प्रधीन)

पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले :—

1. श. एम बी कतियार अवृत्तिकृत सी. पी. एम. एम ई. मी., एल. पैन्च एरिया डी मैन्याल कार्मिक

प्रबन्धक उद्यम सी. पी. का नहान एरिया कर्मकारों का प्रतिनिधित्व करने वाले

भोलू भिह ठाकुर, प्रेजीडेंट,  
प्रा. के. के. एम एस (इंटक)

पैन्च काहान एरिया

हस्ताक्षर

गांधी श्याम सिंह जरनल सैकेरटरी

आर के के पैन्च एम, (इंटक)

पैन्च काहान एरिया

ह, सी भट्टाचार्य। सैकटरी  
आर के के एम एस  
(इंटक)  
पेंच कानहान एरिया  
हस्ताक्षर  
जब्बर खान, सैकटरी,  
आर के के एम एस (इंटक)  
पेंच-कानहान एरिया

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद  
को श्री एम जी बानरी भूतपूर्व उप मुख्य अम आयुक्त  
(केम्ब्रिय) (अब सेवा निवृत्त) 62 फैडस कालोनी काटोल  
रोड नागपुर के माध्यस्थम के लिए निवेशिक करने का करार  
किया गया है।

विनिर्दिष्ट विवाद ग्रस्त क्षिय

“क्या आर के के एम एस की यह मांग बैध  
और न्यायीधित है कि पेंच और कानहान एरिया के  
कर्मकारों को 23-9-1988 से 26-9-1988 की हँड़ताल  
अवधि के दौरान मजदूरी की प्रदायण का जाए? यदि;  
हां, तो तो किस अनुतोष के हक्कार हैं।

(ii) विवाद के पक्षकारों  
का विवरण, जिसमें अंत-  
वंलित स्थापन या  
या उपक्रम का नाम और  
पता भी सम्मिलित है।

वैस्टर्न कोलफील्ड्स लि. का  
पेंच और कानहान एरिया,  
और कानहान एरिया  
मध्य प्रदेश  
और

आर. के. के. एम. एस. (इंटक)  
पेंच और कानहान एरिया,  
मध्य प्रदेश

आर. के. के. एम. एस. (इंटक)  
पेंच और कानहान एरिया,  
डब्ल्यू सी एस.

(iii) कर्मकार का नाम  
यदि वह स्वयं विवाद में  
अन्तर्गत है या यदि कोई  
संधि प्रस्तुत कर्मकारों को  
प्रतिनिधित्व करता हो तो  
उसका नाम

(4) प्रभावित उपक्रम में  
नियोजित कर्मकारों की  
कुल संख्या  
पेंच एरिया—13917  
कानहान एरिया—12876

(5) विवाद द्वारा प्रभावित  
या सम्भाव्यतः प्रभावित  
होने वाले कर्मकारों की  
प्राक्कलित संख्या  
75 प्रतिशत

मध्यस्थ अपना पंचाट तीन मास की कालाधिधि  
या हस्तने और समय के भीतर जो हमारे बीच पारस्परिक  
लिखित करार द्वारा वधाया जाय, देंग। यदि यूर्ध  
वर्णित कालाधिधि के भीतर पंचाट नहीं दिया जाता  
तो माध्यस्थम के लिए निवेश स्वतः रद्द हो जायेगा  
और हम नए माध्यस्थम के लिए बात चीत करने  
स्वतंत्र होंगे।

मध्यस्थ की सहमति

एम. जी. बानरी,  
केम्ब्रिय अम सेवा,  
उप मुख्य अम आयुक्त (के)  
सेवा निवृत्त भारत सरकार,  
श. मंत्रालय

62, फैडस कालोनी  
काटोल रोड,  
नागपुर-440013  
8 दिसम्बर, 1989

निवेशक (पी)  
वैस्टर्न कोलफील्ड्स लिमिटेड,  
कोल इंटेंट,  
सिविल साइट्स, नागपुर-440001  
महोदय,

विषय:—फार्म “ग” दिनांक 8-12-1989 में करार  
के तहन पेंच और कानहान एरिया  
प्रबन्धतांत्र और उनके कर्मकारों, जिनका  
प्रतिनिधित्व आर. के. के. एम एस. (इंटक)  
पेंच और कानहान लेन्डों द्वारा किया जाता  
है के बीच औद्योगिक विवाद अधिनियम,  
19 की धारा 10—के अधीन माध्यस्थम  
मामला।

मै. औद्योगिक विवाद अधिनियम, 1947 की  
धारा 10—के अधीन डब्ल्यू. सी. के पेंच तथा कान-  
हान एरिया के प्रबन्धतांत्र और कर्मकार जिन प्रतिनिधित्व  
आर. के. के. एम. एस. (इंटक) पेंच तथा कान-  
हान एरिया डब्ल्यू. एस. करती है, के बीच दिनांक  
8-12-1989 के फार्म “ग” में करार के अन्तर्गत मध्यस्थ  
के रूप में काम करने वी अपनी सहमति देता है

सध्यवाद

मध्यवाद,

ह/- एम जी बानरी  
उप मध्य

उप मुख्य अम आयुक्त (के)  
(सेवा-निवृत्त)

पक्षकारों के हस्ताक्षर

नियोजक का प्रतिनिधित्व  
करने वाले :

हस्ताक्षर

एस बी कतियार, असिरिक्त  
सीवी. डब्ल्यू. सी.  
एस. पंच एरिया

हस्ताक्षर

डी. मेवाड़, कार्मिक, प्रबन्धक  
डब्ल्यू. सी. पंच., कानहान  
एरिया

कर्मकारों का प्रतिनिधित्व

करने वाले:

हस्ताक्षर  
 भूलू सिंह ठाकुर  
 प्रेजीडेंट, आर. के. के. एम.  
 एस. (इंटक)  
 पेंच और कामहान एरिया

हस्ताक्षर  
 राधे एयाम विह  
 जनरल सेक्रेटरी  
 आर. के. के. एम. एस. (इंटक)  
 पेंच कामहान एरिया

हस्ताक्षर  
 सी. भट्टाचार्जी, सेक्रेटरी  
 आर. के. के. एम. एम. इंटक  
 पेंच कामहान एरिया

हस्ताक्षर  
 जब्बर खान, सेक्रेटरी,  
 आर के के एम एस (इंटक)  
 पेंच कामहान एरिया  
 [स. एल. 22025/2/90आई  
 आई आर सी—II]  
 गजा लाल, ईस्क अधिकारी

## ORDER

New Delhi, the 12th September, 1990

S.O. 2561.—Whereas an industrial dispute exists between the employers in relation to the Management of Western Coalfields Ltd. and their workmen represented by Rashtriya Koyal Khadan Mazdoor Sangh (INTUC).

And whereas, the said employers and their workmen have by a written agreement under sub-section (1) of Section 10A of the I.D. Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement.

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement.

## AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Sd/-

Representing employer : S.B. Kattiyar, Addl. CPM, WCI  
 Pench Area

Sd/-

D. Mewar, Personnel Manager  
 CL, Kanhan Area

Sd/-

Bholu Singh Thakur,  
 President, RKKMS (INTUC)  
 Pench Kanhan Area

Sd/-

Radheyshyam Singh,  
 General Secretary, RKKMS  
 (INTUC), Pench-Kanhan Area

Sd/-

C.M. Bhattacharjee, Secretary  
 (RKMS) (INTCU), Pench-  
 (Pench-Kanhan Area)

Sd/-

Jabbar Khan Secretary, RKKMS  
 (INTUC), Pench-Kanhan Area

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri M. G. Wanre, Ex. Dy. Chief Labour Commissioner (C) (now retired), 62, Friends Colony, Katol Road, Nagpur.

## Specific matters in dispute :

“Whether the demand of RKKMS for payment of wages to the workmen of Pench and Kanhan Areas for the period of strike from 23-9-88 to 26-9-88 is legal and justified? If so, to what relief they are entitled?”

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved—

Management of Western Coalfields Ltd. Pench and Kanhan Areas of Madhya Pradesh

AND

RKKMS (INTUC) of Pench and Kanhan Areas of Madhya Pradesh.

(iii) Name of the workman in case he himself is involved in the dispute or the name of the Union, if any representing the workmen or workman in question.

(iv) RKKMS (INTUC) Pench and Kanhan Areas of WCL total number of workmen employed in the undertaking affected;

Pench Area : 13917  
 Kanhan Area : 12876

(v) Estimated number of workmen affected or likely to be affected by the dispute :

Around 75%

The arbitrator(s) shall make his (their) award within a period of three months (here specify the period agreed upon by the parties) or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

## CONSENT OF THE ARBITRATOR

M. G. Wanre  
 Central Labour Service  
 Deputy Chief Labour Commissioner (C)  
 Retd.  
 Government of India, Ministry of Labour

62, Friends Colony  
 Katol Road.  
 Nagpur-440013.  
 8th December, 1989

The Director(P)  
 Western Coalfields Limited,  
 Coal Estate,  
 Civil Lines  
 Nagpur-440001.  
 Dear Sir,

Sub : Arbitration case under Sec. 10A of the Industrial Disputes Act, 1947 between the management of Pench and Kanhan Areas of WCL and workmen represented by RKKMS (INTUC) Pench and Kanhan Areas vide agreement in form 'C' dated 8-12-1989.

I hereby give my consent to act as Arbitrator under Sec. 10A of the Industrial Disputes Act, 1947 under agreement in form 'C' dated 8-12-1989 between the management of Pench and Kanhan Areas of WCL and workmen represented by RKKMS (INTUC) of Pench and Kanhan Areas of WCL.

Thanking you,

Yours faithfully  
(Sd/-)

(M. G. Wanar)  
Dy. Chief Labour Commissioner (C)  
(Retd.)

Signature of the parties  
(Sd/-)

Representing employer : S.B. Katiyar, Addl. CPM, WCL, Pench Area

(Sd/-)

D. Mewar, Personnel Manager, WCL Kanhan Area

Representing workmen :

(Sd/-)

Bholu Singh Thakur  
President, RKKMS (INTUC),  
Pench & Kanhan Area

(Sd/-)

Radhey Syam Singh  
General Secretary,  
RKKMS (INTUC),  
Pench-Kanhan Area

(Sd/-)

C. Bhattacharjee, Secretary  
RKKMS (INTUC),  
Pench-Kanhan Area

(Sd/-)

Jabbar Khan, Secretary, RKKM  
(INTUC), Pench-Kanhan Area

Witnesses :

1. (Sd/-)

2. (Sd/-)

[No. L-22025(2)/90-IR(C.II)]

वा. आ. 2562.—अौद्योगिक विवाद अधिनियम 1947 (1947 का 14) की वार्ग 17 के अनुसार में, केन्द्रीय सरकार चिरिमिरी कोतरी आफ वैस्टन कोल फील्ड्स क्रिस्टिड ब्रेट चिरिमिरी कोतरी के प्रबन्धसंतान के संस्थान नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार्य, व अम न्यायालय, जबलपुर के प्रचलित को प्रकाशित करती है, जो केन्द्रीय सरकार का 11-9-90 को प्राप्त हुआ था।

S.O. 2562.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial dispute between the employer in rela-

tion to the management of Chirimiri Colliery of Western Coal Fields Ltd., Chirimiri Colliery and their workmen, which was received by the Central Government on the 11-9-90.

#### ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUS-  
TRIAL-CUM-LABOUR COURT,

JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(99)/1985

#### PARTIES :

Employers in relation to the management of Chirimiri Colliery of Western Coalfields Limited, P.O. Chirimiri Colliery, District Surguja (M.P.) and their workman, Shri K. C. Borai, Pay Loader Grade III, represented through the Rashtriya Koyal Khadan Mazdoor Sangh (INTUC), Chirimiri, P.O. Chirimiri Colliery, District Surguja (M.P.).

#### APPEARANCES :

For Workman.—Shri R. C. Shrivastava,  
Advocate.

For Management.—Shri P. S. Nair, Advocate.

Industry : Coal Mining District . Surguja (M.P.)

#### AWARD

Dated : September 3rd, 1990

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(14)/85-D.V dated 6th November, 1985, for adjudication of the following dispute :—

“Whether the dismissal of Shri K. C. Borai, Pay Loader Grade III of Chirimiri Colliery from 7-10-1983 by the Dy. Chief Mining Engineer, Chirimiri Colliery, Post Chirimiri Colliery, District Surguja (M.P.) vide letter No. WCL/CC/CS/83/15823-32 dated 7th October, 1983 is justified? If not, to what relief the workman is entitled?”

2. Undisputed fact of the case are that the workman concerned, Shri K. C. Borai, was working as Pay Loader Grade III in Chirimiri Colliery of M/s. W.C. Ltd. He was charge-sheeted vide Charge-sheet dated 3-9-1983 for assaulting Shri A. K. Sinha, Under Manager. Enquiry was held and the workman was found guilty and he was dismissed from service vide order of the management dated 7-10-1983. Simultaneously the workman was prosecuted and challan was put up against him in regard to the same charge. He was, however, acquitted by Shri P. P. Tiwari, Judicial Magistrate, First Class, Mahendragarh, in Criminal Case No. 832 of 1983.

3. While challenging the validity of the enquiry the workman stated that he has been falsely implicated in the said case due to malice. While according to the management, the workman was rightly charged. The enquiry was properly held and he was rightly dismissed for his alleged misconduct of assaulting Shri A. K. Sinha and threatening him to death. I need not go into the details of the pleading challenging the validity of the enquiry because my predecessor vide his order

dated 16-7-1987 held that the enquiry is bad in law. Accordingly, it was set aside and the parties were directed to produce documents and evidence before this Tribunal to prove misconduct of the workmen concerned.

4. Following issues were framed by my learned predecessor and my findings are recorded against each of them :—

#### ISSUES

1. Wheather the enquiry is proper and legal ?	Already answered in the negative vide order of my predecessor dated 16-7-1987.
2. If not, whether the termination of the workman is justified on facts of the case	Yes.
3. Whether the punishment awarded is proper and legal ?	Yes.
4. Relief and costs ?	The workman is not entitled to any relief. No costs.

#### FINDINGS :

5. Issue No. 1.—So far the Issue No. 1 is concerned it has already been answered in the negative, by my learned predecessor vide his order dated 16-7-87.

6. Issue Nos. 2 to 4.—Management has proved all the documents of the domestic enquiry Ex. M|1 to Ex. M|43 and has examined Shri A. K. Sinha as M.W. 1, Asharam M.W. 2 and Mohit Ram M.W. 3 in support of the case of the management. While the workman on his part has examined himself as M.W. 1 and filed certified copy of the Judgment of Judicial Magistrate, First Class, Mahendragarh, in Criminal Case No. 832/1983. He has also proved the statement of Asharam before the Judicial Magistrate which is Ex. W|1.

7. Facts relating to the acts of misconduct as per report Ex.M|43 & charge as per Ex.M|42 are as under :—

Report dated 3-9-1983 (Ex. M|43) by Sh. A. K. Sinha

“Today i.e. on 3-9-1983 I was on duty in the 1st shift, after arranging work in the Crusher and making my routine inspection there I was returning back towards the siding, when I came near the Tipper loading point of the Belt Conveyor attached to the Crusher Plant, Shri K. C. Barai, a Terex Operator who had been suspended on the previous day by you for his misconduct/misbehaviour etc. came towards me and suddenly caught hold of my collar and gave me a big jerk. With this jerk I fell down on the ground. Sri Barai then sat on my chest and he started slapping me badly.

Some persons all of whom in the heat of the moment I could not recognise came and removed Sri Barai from me and saved me. I could only recognise Sri Mohitram and Sri Asharam, GG Man, attached to the siding who helped me in saving me from Sri Barai.

I would request you to kindly take necessary action against Sri KC Barai, Terex Operator, as it is very difficult to perform our duty if such incidences occur with us.”

#### Charge against Shri K. C. Borai (Ex.M|42)

It has been reported that to-day i.e. on 3-9-1983 at about 10.30 AM you went to the Crusher Plant though you had no work there where Sri A. K. Sinha, Under Manager, Chirimiri Opencast Mine was doing the inspection job. After finishing the inspection work when Sri Sinha was coming back towards the Screening Plant you caught Sri Sinha, Under Manager of his collar and gave him a jerk and made him fall down on the ground. When Sri Sinha fell down on the ground you sat on his chest and started slapping him. However, at the interference of other workers Sri Sinha was somehow saved.”

8. Having gone through the judgment of the Judicial Magistrate, First Class, I find that he was charge-sheeted for committing offence under Sec. 341, 323 and 506(B) I.P.C. (Facts relating to D.E & prosecution of workman are little different). He was acquitted by the Lower Court mainly on two grounds, firstly that the eye witness Asharam has not corroborated the testimony of the complainant A. K. Sinha, and that earlier there were no good relations between the complainant and the accused Mohit Ram who was another eye witness in the report Ex.M|43 and was examined on same day, was however, not examined before the Criminal Court.

9. Before dealing with the evidence of misconduct produced before this Tribunal I must distinguish the fact that the burden of proof in the criminal case is much severe than in the enquiry matter. (See also discussions of my learned predecessor in his order dated 16-7-1987). This is a material distinguishing feature which has to be kept in mind while assessing the evidence adduced before this Court. Some discrepancy here or there does not make the case of management unreliable.

9. Asharam has been examined as M.W.2. It is the same Asharam who has not supported the case of the prosecution before the Criminal Court as I have already pointed out above, but he has corroborated the testimony of M.W.1, A. K. Sinha, before this Tribunal. That apart, M.W.3. Mohit Ram, has also supported the testimony of M.W.1, A. K. Sinha, in material particulars relating to which I will discuss hereinafter.

10. Shri A. K. Sinha (M.W.1) on affidavit states that on 27-8-1983 the workman had reported for duty in the first shift at 8.45 a.m. Since he had reported duty late he was not allowed to do duty by the Shift Incharge. Subsequently he was allowed to do duty on the recommendation of the Senior Executive Engineer and he was permitted to do the duty. This caused annoyance to the workmen and he behaved in an indecent manner with him (Para 12 of his affidavit).

11. This witness has further stated in para 10 of his affidavit that on 3-9-1983 at about 10.30 a.m.

while he was returning to the Screening Plant after inspecting the Crushing Plant he noticed that Shri K. C. Borai was coming towards him from the Screening Plant side. According to him, he had already reached near the Tripper Loading point of the Crushing Plant. Here the workman suddenly caught hold of his collar, gave him jerk, pushed him, fell him down and slapped him. He had also abused him in filthy language. He had made complaint in this regard.

12. According to this witness, the workman concerned was annoyed with him because on 27-8-1983 he was marked absent and it is for this reason that he was assaulted by the workman concerned.

13. According to this witness certain mazdoors came down for rescue and saved him. Thereafter he went to the main office and narrated the incident to his Personnel Officer as also made a written complaint to the Mines Manager. All these are on the record of D.E. file.

14. During the cross-examination of this witness, this witness has specifically stated that he had no enmity with the workman. It is true that according to this witness he did not receive any injury though he had fallen down due to the assault of the workman concerned, obviously it is not necessary that the injury may have been caused to him by this assault and for this reason his testimony should not be disbelieved.

15. According to M.W. 2 and M.W. 3, Asharam and Mohit Ram on the relevant time they heard a cry "Kyon Mar Rahe Ho". They turned back and saw that the workman was beating Mr. Sinha and Mrs. Sinha was lying down on the ground. They went to the scene of incident but in the meanwhile people working came there. Now the question is as to what extent the testimony of these witnesses should be believed. I have already pointed out that Asharam did not corroborate the testimony of A. K. Sinha before the Criminal Court hence his evidence is not of much importance. Mohit Ram, however, was not examined before the Criminal Court, but he was examined during these proceedings. Thus merely this witness was not examined before the Criminal Court or because he is a subordinate employee his testimony should not be rejected outrightly. Shri A. K. Sinha has already given reasons of his assault.

16. W.W.1. K. C. Borai, while denying the alleged incident has stated that on the alleged date of incident he was on casual leave because the arm his wife was burnt. While he was going to the hospital to take medicines Mukhyoradhva and Goel asked him to sit in his vehicle and took him to the Police Station. He had not assaulted Shri Sinha. This fact he had not given out in the statement during domestic enquiry (para 8 of his deposition). Thus the testimony of Shri A. K. Sinha is sufficient enough to prove the alleged misconduct of the workman concerned which fact has, however, been corroborated by the statement of Mohit Ram. I may express at this juncture that one may tell lie before the Criminal Court to save his colleague because the punishment might have been severe. He may tell the truth

during the domestic enquiry. Hence the testimony of Asharam also should not be rejected outrightly and some weight should be given to it.

17. In any case, the alleged misconduct has been proved by the management before this Court.

18. From the above evidence, it is very clear that it is not only a case of assault to a superior officer but the intention behind it is that his superior officer had marked him absent because he had come late on 27-8-1983. Assaulting a superior officer on this count in public place should be taken seriously and this fact must be kept in mind, if such acts are permitted to happen there would neither be any discipline nor the management would be able to function properly.

19. The workman has failed to point out as to why he was falsely implicated by Shri Sinha. On the other hand, Shri Sinha has given reasons for his assault by the workman concerned.

20. Thus not only the misconduct is proved but looking to the gravity of the misconduct no lenient view can be taken in this matter. Therefore not only the termination of the workman is justified on the facts but also the punishment awarded is proper and adequate. The workman concerned is not entitled to any relief whatsoever. My findings are, therefore, recorded as follows :—

1. The termination of the workman is justified on facts of the case.
2. The punishment awarded is proper and legal.
3. The workman is not entitled to any relief.

21. I accordingly answer the reference as follows :—

That the dismissal of Shri K. C. Borai, Pay Loader Grade III of Chirimiri Colliery from 7-10-1983 by the Dy. Chief Mining Engineer, Chirimiri Colliery, Post Chirimiri Colliery, Distt. Surguja (M.P.) vide letter No. WCL/CC/83/15823-32 dated 7-10-1983 is justified. Workman is not entitled to any relief. No order as to costs.

3-4-1990

V. N. SHUKLA, Presiding Officer

[No. L-22012(14)/85-D.V]

का. आ. 2563,—आंदोलिक विवाद अधिसियम, 1947 (1947 का 14) की आग 17 के अनुनरण में, केन्द्रीय सरकार लक्ष्मीपुर कौल्यरी आफ. मै. ई. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आमनसाल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार द्वा 10-9-90 को प्राप्त हुआ था ।

S.O. 2563.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the Industrial dispute between the employers in relation to the manage-

ment of Lachi Pur Colliery of M/s. E.C.L. and their workmen, which was received by the Central Government on the 10-9-90.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 24/89

#### PRESENT :

Shri N. K. Saha, Presiding Officer,

#### PARTIES :

Employers in relation to the Management of Lachipur Colliery of M/s. E. C. Ltd.

AND

Their Workman.

#### APPEARANCES :

For the Employers—Sri A. K. Roy, Sr. Personnel Officer.

For the Workmen—Sri Mani Bose, Organising Secretary of the Union.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 30th August, 1990.

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. 22012-(215)88-D.IV.B dated the 9th June, 1989.

#### SCHEDULE

“Whether the action of the Management of Lachipur Colliery of M/s. E.C. Ltd., P.O. Kajoragram, Distt. Burdwan in denying the grade of Technical 'C' or Clerical Gr. I and payment of difference of wages to Sri Rameswar Prasad Singh, Lamp Cabin Incharge, is justified? If not, to what relief the workman concerned is entitled?”

2. The case of the concerned workman Shri Rameswar Prasad Singh in brief is that he was Junior Cap Lamp Incharge of Lachipur Colliery under M/s. Eastern Coalfields Ltd. Initially he was appointed in the year 1960 as Safety Lamp Mazdoor. In the year 1976 he was given promotion to the post of Junior Lamp Cabin Incharge. Considering his performance he was appointed as Lamp Cabin Incharge on 29-3-74 (Ext. W-1) and in 1976 the management changed his designation from Junior Cap Lamp Incharge to Lamp Cabin Incharge according to said appointment letter. His designation was also changed in pay slips and in other official records. Thereafter he all along worked as Lamp Cabin Incharge. But he was never regularised as Lamp Cabin Incharge and was not paid the difference of pay.

The concerned workman raised a dispute through his union for regularising him in the post of Lamp Cabin Incharge and to pay him difference of wages. The attempts of conciliation before the A.L.C. Ranigunj failed and the matter was referred to the Ministry of Labour, Government of India. In the meantime the concerned workman has been removed from the post of Lamp Cabin Incharge and one Sri K. N. Jha has been appointed as Lamp Cabin Incharge

w.e.f. 3-4-89. So the action of the management is illegal and it has violated the principles of natural justice. It is also submitted by the union that the recommendation of the Departmental Promotion Committee (D.P.C.) is also not according to the principles laid down for the purpose of promotion.

The workman Sri Kameswar Prasad Singh has prayed for regularising him in the post of Lamp Cabin Incharge in the Technical Grade 'C' or Clerical Grade-I as recommended by N.C.W.A. (National Coal Wage Agreement).

3. The case of the management in brief is that initially the concerned workman Sri R. P. Singh was a Safety Lamp Mazdoor and was promoted to the post of Junior Cap Lamp Incharge. One Sri C. S. Dey was the Cap Lamp Incharge. The concerned workman Sri R. P. Singh was time to time worked as Cap Lamp Incharge. In December, 1984 Sri C. S. Dey made over charge of Cap Lamp Incharge to the present concerned workman Sri R. P. Singh and he acted as such till the promotion of Sri K. N. Jha to the post of Cap Lamp Incharge according to seniority w.e.f. 3-4-89 as per recommendation of the D.P.C.

4. According to the terms of Reference, we are to consider—

- whether denial of the grade of Technical 'C' or Clerical Grade-I to Sri R. P. Singh is justified and
- whether the denial of payment of difference of wages of Lamp Cabin Incharge is justified.

5. Let us now take Point No. (i) for determination. Admittedly Sri R. P. Singh was appointed as Safety Lamp Mazdoor and he was promoted to the post of Jr. Lamp Cabin Incharge. It is also admitted that one Sri C. S. Dey was the Cap Lamp Incharge. From Ext. W-1 there cannot be any denial that temporarily Sri R. P. Singh was authorised to work as Cap Lamp Incharge and it cannot be taken as a permanent appointment letter.

In this case both the parties have filed written arguments. It is now admitted that in December, 1984 Sri C. S. Dey made over full charge of the Cap Lamp Incharge to the present workman Sri R. P. Singh and he worked as Cap Lamp Incharge till Sri K. N. Jha joined that post on 3-4-89. It has been claimed from the side of the workman that as of right he has to be regularised in the post of Cap Lamp Incharge as he all along worked as Cap Lamp Incharge. It is clear from the materials on record that the post of Cap Lamp Incharge is a higher post in the Technical Grade 'C' or Clerical Grade-I and to be filled up by promotion from the post of Jr. Lamp Cabin Incharge. Considering that aspect of the matter, one cannot claim as of right to get that post without the recommendation of the Departmental Promotion Committee (D.P.C.). In the instant case we find that Sri K. N. Jha has been promoted to the post of Cap Lamp Incharge after the present dispute was raised by Sri R. P. Singh. The question regarding the validity of promotion of Sri K. N. Jha to the post of Cap Lamp Incharge is not the subject matter of the present dispute and Sri K. N. Jha is also not a party to the present proceeding. It has been contended from the side of the employer that there is only one post of Cap Lamp Incharge and Sri K. N.

Jha has been rightly promoted to that post according to the recommendations of the D.P.C.

6. Considering all the materials on record and the facts and circumstances, I find that denial of Technical Grade 'C' or Clerical Grade-I to Sri R. P. Singh as of right is justified as that is a post to be filled up by promotion. The validity of promotion of Sri K. N. Jha cannot be considered in the present case as Sri K. N. Jha is not a party the present proceeding and moreover the terms of Reference do not confer such power to this Tribunal. So that point is left open. Sri R. P. Singh the concerned workman will be at liberty to raise a fresh dispute challenging the validity of promotion of K. N. Jha.

7. Point No. (ii).—It is admitted that from January, 1985 to 2-4-1989 Sri R. P. Singh acted as Lamp Cabin Incharge taking full charge from Sri C. S. Dey. Admittedly he was not paid wages of the post of Lamp Cabin Incharge. So according to the principles of natural justice Sri R. P. Singh is entitled to get the difference of wages as claimed by him for the period from 1-1-1985 to 2-4-1989.

8. To sum up I hold that the denial of Technical Grade 'C' or Clerical Grade-I to Sri R. P. Singh as of right without the recommendation of the Departmental Promotion Committee is justified. But Sri R. P. Singh will be at liberty to raise fresh dispute challenging the validity of the promotion of Sri K. N. Jha to that post ignoring the claim of Sri R. P. Singh.

Denial of payment of difference of wages to Sri R. P. Singh, Lamp Cabin Incharge is not justified. Sri R. P. Singh, the concerned workman shall be paid difference of wages of the post of Jr. Lamp Cabin Incharge and the post of Lamp Cabin Incharge for the period commencing from 1-1-85 to 2-4-89 since he acted as Lamp Cabin Incharge after taking full charge of the post from Sri C. S. Dey.

9. Before I part with the record, I must say that it is very unfortunate and painful that Sri R. P. Singh was allowed to continue to work in the post of Lamp Cabin Incharge for a considerable period without taking any action to fill up the post by the management through promotion which has caused great hardship of Shri R. P. Singh.

This is my award.

Dated : 30-8-1990.

N. K. SAHA, Presiding Officer.  
[No. L-22012(215)88-D-IV(B)]  
RAJA LAL, Desk Officer.

नई दिल्ली, 10 सितम्बर, 1990

का. आ. 2564—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अवैधित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ङ) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के अम. मंत्रालय की अधिसूचना संख्या का. आ. 1084 दिनांक 21 मार्च 1990 द्वारा इंडिया गवर्नमेंट मिन्ट, वस्त्रदि को उक्त अधिनियम के प्रयोजनों के लिए लोको-पर्योगी सेवा घोषित किया था,

और केन्द्रीय सरकार की गथ है कि लोकहित में उक्त कानूनविधि को छ मास की और कालावधि के लिए वढ़ाया जाना अवैधित है,

अतः ग्रन्थ, आदानप्रद विवाद अधिनियम 1947 (1947 का 14) का धारा 2 के खंड (ङ) के उपखंड (vi) के उपबंधों द्वारा प्रदत्त शोधनयों का प्रयोग करत हए, केन्द्रीय सरकार उक्त विवाद का उक्त अधिनियम के प्रयोजनों के लिए 21 अक्टूबर 1990 तक भास का अंत आवादित लागू होना सवा घोषित करता है।

[का. आ. 256-11017/3/85-DI(ए)]

New Delhi, the 10th September, 1990

S. O. 2564.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision or sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 1084, dated the 21st March, 1990 the India Government Mint, Bombay to be a public utility service for the purposes of the said Act, for a period of six months from the 21st March, 1990;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industrial to be a public utility service for the purpose of the said Act, for a further period of six months from the 21st September, 1990.

[No. S-11017/3/85-DI(A)]

नई दिल्ली, 14 सितम्बर 1990

का. आ. 2565—केन्द्रीय सरकार का समाधान हो गया है कि लाक हित में ऐसा अवधित है कि जिक खनन उद्योग में सेवाओं का जिस औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का प्रथम अनुसूची की प्रविटि 15 के अन्तर्गत लिंदिट किया गया है उक्त अधिनियम के प्रयोजनों के लिए प्रथमा सेवा घोषित किया जाना चाहिए।

अतः ग्रन्थ औद्योगिक विवाद अधिनियम 1947 (1947 का 14) का धारा 2 के खंड (ङ) के उपखंड (vii) द्वारा प्रदत्त शोधनयों का प्रयोग करत हए, केन्द्रीय सरकार उक्त विवाद का उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छ मास का कालावधि के लिए लाक उपयोगों सवा घोषित करता है।

[का. आ. 256-11012/9/85-डी-1(ए)(1)]

New Delhi, the 14th September, 1990

S. O. 2565.—Whereas the Central Government is satisfied that the public interest requires that the Zinc Mining Industry, which is covered by item 15 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months

[No. S-11017/9/85-DI(A)(i)]

का. आ. 2566.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहिंसा में ऐसा करना अपेक्षित है कि सीम खनन उद्योग की, जिस औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की प्रथम अनुसूची की प्रतिक्रिया 14 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए और उपयोगी तेवा धोपिन किया जाता जाहा है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (र) के के उपखण्ड (vi) द्वारा प्रदत्त अधिनियम के प्रयोग करने हुए हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रयावर में छु: माम को कालाश्रित के लिए लोक उपयोगी सेवा धोपिन करती है।

[सं.एन. 11017/9/85-डी-1(ए) (ii)]

नन्द लाल, अवर मन्त्री

S.O. 2566.—Whereas the Central Government is satisfied that the public interest requires that the Lead Mining Industry, which is covered by item 14 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/9/85-DI(A)(ii)]

NAND LAL, Under Secy.

नई दिल्ली, 1 सितम्बर, 1990

का. आ. 2567.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण केन्द्रीय सरकार इंडियन बैंक के प्रबन्धतंत्र के मंबद्द नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 10th September, 1990

S.O. 2567.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the Indian Bank and their workmen, which was received by the Central Government.

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 13/87

In the matter of dispute :

#### BETWEEN

Shri Ravi Shankar Tomar,  
239, Mohalla Krishana Nagar,  
Bullandhshehr.

#### VERSUS

The Zonal Manager,  
Indian Bank,  
1-E, Jhandewalan,  
Near Naaz Cinema,  
New Delhi.

#### APPEARANCES :

Shri Raghbir Sahai with the workman.  
Shri Sahlesh Kapoor for the Management.  
with A.K. Sikri.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/113/86-D.II(A) dated February, 1987 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the demand of Shri Ravi Shankar Tomar, Peon for reinstatement by the Management of Indian Bank w.e.f. 17-10-84 with consequential benefits of continuity and wages is justifiable? If so, to what relief the workman entitled to?"

2. Ex parte award dated 13-7-89 was passed by Shri G. S. Kalra, the then Presiding Officer, C.G.I.T. and to get it set aside an application was filed by the Management and reply was obtained. The Management wanted time for settlement with the workman. The case was then fixed for 12-7-90 and a settlement was filed by the parties. The settlement is marked 'A'. In view of this settlement the ex parte award is set aside and a fresh award on the basis of this settlement mark A is accordingly given. The parties shall remain bound by the terms of settlement mark 'A' and are left to bear their own costs of this dispute. Mark 'A' shall be read as part of this award.

12th July, 1990.

GANPATI SHARMA,  
Presiding Officer

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Govt. for necessary action at their end.

12th July, 1990.

GANPATI SHARMA, Presiding Officer  
[No. L-12012/113/86-D.II(A)]

ANNEXURE 'A'  
BEFORE THE PRESIDING OFFICER, C. G. I. T.  
NEW DELHI

I. D. No. 13/87

In the matter of dispute :

#### BETWEEN

Shri Ravi Shankar Tomar Ver. Indian Bank.  
Application for passing No Dispute Award.  
Respectfully Showeth :

That the parties have settled the aforesaid dispute in the following terms :

1. It is agreed that ex parte award be set aside.  
2. The Management has agreed to engage freshly against leave vacancy.

3. The bank has panel of persons working on leave vacancy. The name of Shri Ravi Shankar Tomar will be added in that panel and his seniority will reckon from the date of fresh engagement.

4. As per his turn in the said panel his case for regular absorption in the bank shall be considered.

5. Till his regular absorption Shri Tomar will continue to work against leave vacancy.

There will not be any back wages etc.

That in view of the aforesaid settlement no dispute remains between the parties. It is therefore, prayed that No dispute award be passed in this case. Workman through Representative :

Sd/- (Ravi Shankar)

Sd/- (R. Sahai)

## Management through Representative :

1. Sd/- (Illegible)  
12th July, 1990.

नई दिल्ली, 11 सितम्बर, 1990

का. आ. 2568.—आधारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ादा के प्रबन्धतान्त्र के सबद्वं नियोजकों और कर्मकारों के बीच अनुबंध में निर्विष्ट आधारिक विवाद में केन्द्रीय सरकार आधारिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 11th September, 1990

S.O. 2568.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government.

## ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 54 of 1988  
IN THE MATTER OF DISPUTE :

## BETWEEN

The Asstt. Zonal Secretary,  
U.P., B.O.B. Employees Union,  
C/o. Bank of Baroda, Bahadurganj,  
Allahabad.

## AND

The Regional Manager,  
Bank of Baroda,  
Civil Lines Allahabad.

## AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/544/87-D.II(A) dated 11 of 88 has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bank of Baroda in not assigning the duties of dastery to Shri Harishanker Misra w.e.f. 29-12-1980 to 30-5-1983 and instead assigning the same to Shri Paramhans Sharma is justified ? If not, to what relief is the workman entitled ?

2. The instant case was fixed for 1-8-1990 for disposal of workman's application for summoning of documents. Shri K. N. Soni, filed his letter of authority to represent the present case. He has been authorised to represent the case by one Shri A. K. Awasthi, office bearer of the Union. The authorised representative for the union moved an application stating therein that the matter of dispute is being settled with the management, through negotiations and as such the Union need not press the case at this stage. The dispute may be decided accordingly.

3. Therefore, looking to the prayer made in the application moved on 1-8-1990, it appears that there remains no dispute. As such the reference is decided in the light of the prayer made in the application.

4. Reference is decided accordingly.  
Dated : 1-8-1990.

ARJAN DEV, Presiding Officer.  
[No. L-12012/544/87-D.II(A)]

का. आ. 2569.—आधारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन ऑबरर्सेज बैंक के प्रबन्धतान्त्र के सबद्वं नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्विष्ट आधारिक विवाद में केन्द्रीय सरकार आधारिक अधिकरण, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S. O. 2569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial dispute between the employers in relation to the Indian Overseas Bank and their workmen, which was received by the Central Government.

## ANNEXURE

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL AT BOMBAY-1  
Reference No. NTB-3 of 1989

## PARTIES :

Employers in relation to the Management of Indian Overseas Bank.

AND

Their workmen.

## APPEARANCES :

For the Management : Shri Rele, Advocate.

For the Workmen.—Shri Merchant, Advocate.

INDUSTRY : Banking STATE : Bombay  
Bombay, dated the 9th day of August, 1990

## AWARD

The Central Government has referred the following industrial dispute to this Tribunal for adjudication under section 10 of the Industrial Disputes Act, 1947:

“Whether the action of the Management of Indian Overseas Bank in denying a special allowance to its employees for attending to Clearing House duties on the ground that it does not involve supervision is justified ? If not, to what relief are the workmen concerned entitled ?”

2. The workmen have not cared to file their statement of claim to date, though as many as 8 adjournments have already been made for that purpose since December, 1989. Ultimately their learned Advocate Shri Merchant has reported want of instructions today. Obviously the workmen are not interested in prosecuting the reference. Eventually I reject it for want of prosecution, without any orders as to costs.

S. N. KHATRI, Presiding Officer.  
[No. L-12011/64/79-B.II(A)]  
V. K. VENUGOPALAN, Desk Officer.

का. आ. 2570—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय भरकार यूमाइंडेड इंडिया इन्ड्योरेम कम्पनी लि. के प्रबन्धतात्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय भरकार ओद्योगिक अधिकारी, विभागीय के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-90 को प्राप्त हुआ था।

**S.O. 2570.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial dispute between the employers in relation to the United India Insurance Company Ltd., and their workmen, which was received by the Central Government on 7-9-1990.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated the 31st day of August, 1990

#### PRESENT :

Shri M. B. Vishwanath, B.Sc., B.L.—Presiding Officer.

Central Reference No. 37/90

#### I PARTY :

Sh. H. C. Sukumar,  
Rep. by the General Secretary,  
General Insurance Employees Union,  
253, 9th Main Road,  
S. R. Nagar,  
Bangalore-560 027.

Vs.

#### II PARTY :

The Regional Manager,  
United India Insurance Company Ltd.,  
Shankara Narayana Bldg.,  
M.G. Road,  
Bangalore-560 001.

#### APPEARANCES :

For the I Party.—Sri A. N. Balasubramanyam,  
Joint Secretary of the Union.

For the II Party.—Sri R. Gururajan.—Advocate.

#### AWARD

By exercising its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act 1947, the Government of India, Ministry of Labour has made the present reference on the following point of dispute vide its Order No. L-17012/12/90-IR.B.II dated 25th May, 1990.

#### POINT OF REFERENCE

“Whether the management of United India Insurance Company Limited, Bangalore, is justified in not regularising the services of Shri H. C. Sukumar, with effect from 12-3-1983? If not, to what relief the workman is entitled to?”

2. After notices of reference were issued to parties, Sri A. N. Balasubramanyam, Joint Secretary of

I Party Union was present on 19-6-1990. On the same day Sri Vijaya Shekar, Law Officer of II party was present. On 19-6-1990, the I party has taken time to file claim statement or effect compromise. Subsequently an Advocate has filed power for the II party. The case has been going on since June till 31-8-1990 (today). In all eight adjournments have been granted to enable the I party to file claim statement. But nobody was present on any of the subsequent hearing dates to represent the I party. The counsel for the II party submitted on 17-8-1990 that the matter has been settled. Even so, the Tribunal granted two more adjournments to enable the I party to file claim statement. But nobody was here to represent the I party.

3. It is obvious that the I party is not interested.

4. From the facts narrated above, it is clear, the Tribunal is helpless, and has no alternative but to reject the reference. Accordingly award is passed rejecting the reference.

Date : 31-8-1990.

M. B. VISHWANATH, Presiding Officer.

[No. L-17012/12/89-IR.B.II]

V. K. VENUGOPALAN, Deck Officer.

का. आ. 2571.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय भरकार पंजाब नेशनल बैंक के प्रबन्धतात्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय भरकार ओद्योगिक अधिकारण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

**S.O. 2571.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on 5-9-1990.

#### ANNEXURE

BEFORE SHRI ARIAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL PANDU NAGAR DEOKI PLACE ROAD KANPUR.

INDUSTRIAL DISPUTE NO. 116 OF 1989.

## IN THE MATTER OF DISPUTE REFERRED

The State Vice President,

Punjab National Bank Employees Union,  
788 Tilak Road Begun Bridge Meerut City.

AND

Regional Manager,  
Punjab National Bank,  
E K Road Meerut.

## AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/893/88-D.2(A) dated 6th May, 1938, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Punjab National Bank in reverting Shri VPS Rawat from the post of Head Cashier C and withdrawing the Special Allowance for the same is justified? If not to what relief is the workman entitled?

2. On 24-4-90, Shri Ramendra Dhwaj, the authorised representative for the workman in his capacity as Vice President of the Union put in an application with the prayer to withdraw the case on the ground that the workman had been given the promotion in cash department and had been further assured of future promotions in the near future. On 7-6-90, the workman appeared and appended his consent on the said application.

3. In view of the said application, the reference has become infructuous.

4. The reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-12012/893/88-D.2(A)]

का. आ. 2672 :—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनाइटेड इण्डिया इनश्योरेन्स कम्पनी के प्रबन्धतंत्र के मंबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-90 को प्राप्त हुआ था।

S.O. 2572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the United India Insurance Company and their workmen, which was received by the Central Government on 4-9-1990.

## ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR (M.P.)

Case No. CGIT/LC(R)(58) 1990

## PARTIES :

Employers in relation to the management of United India Insurance Company, Divisional Office, Raipur (M.P.)-492001 and their workman Shri Kailash Yadu C/o Govardhan Prasad Yedu, Near Bhatnagarpara Sohag Manjhi, Raipur (M.P.)-492 001.

## APPEARANCES :

For Workman—Shri Nitin Pandharkar, Advocate.

For Management—Shri K.L. Raj, Advocate.

INDUSTRY : Insurance Company

DISTRICT : Raipur (M.P.)

## AWARD

Dated, the August 27th, 1990

By Notification No. L-17011/33/89-IR(B)-I dated 15th February, 1990 the Central Government, Ministry of Labour, referred the following dispute to this Tribunal, for adjudication :—

“Whether the action of the management of United India Insurance Company, Divisional Office, Raipur in terminating the services of Shri Kailash Yedu, Ex-Peon w.e.f. 29th August, 1986 in violation of section 25-F of the Industrial Disputes Act, 1947 is justified? If not, to what relief the workman is entitled?”

2. Parties were noticed to file their respective statement of claim complete with relevant documents, list of reliance and witnesses etc. Workman filed statement of claim on 22-3-1990. On 10th May, 1990 a letter from the management received intimating was that the case has been amicably settled and the workman concerned has been regularised. The case was therefore fixed for verification of settlement. On 30th July 1990 Shri K. L. Raj, Counsel for Management, appeared and filed an application stating that the workman has been appointed as a regular staff, hence the award may be passed accordingly. None was present on behalf of the workman. The case was therefore closed for passing orders award.

3. I have gone through the statement of claim filed on behalf of the management. The relevant paras of the statement are as under :—

1. That the second party has appointed the first party in the regular staff vide its appointment letter dated 9-4-90 issued by the Regional Office of the second party which is enclosed with this statement.
2. That after appointment in regular staff the first party has withdrawn all his claim against the second party by submitting his application dated 19-4-90, the copy of the application is enclosed.
3. That the General Insurance Employees Union West Zone Bombay of which the first party is a member has also submitted a letter to the second party stating that all the

claims of the first party stands withdrawn in view of the appointment letter issued to the first party by the second party.

4. That in view of the above mentioned facts, there is no claim of the first party exist."

4. On 10-5-1990 Shri P. Nitin, Advocate on behalf of the workman was present. He had also seen the letter of the management that the case has been amicably settled and the workman has been regularised. Thereafter neither the workman nor his Advocate appeared on 12-6-90 and 30-7-1990. It appears that the workman is not interested in prosecuting the case because the parties have settled the dispute out of Court. That being so, I record a no claim award. Parties will bear their own costs.

V. N. SHUKLA, Presiding Officer  
[No. L-17011/33/89-IRB.(I)]

का. आ. 2573 :—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार युनियन बैंक आंक इण्डिया के प्रबन्धसंत्र के मंबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

S.O. 2573.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government on 5-9-90.

#### ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 67 of 1989

#### IN THE MATTER OF DISPUTE BETWEEN :

The General Secretary, Union Bank Employees Union, C/o Union Bank of India, 20, Dr. B. N. Verma Road, Aminabad, Lucknow.

AND

Assistant General Manager, Union Bank of India, Hotel Awadh Clark Building, 8, M. G. Marg, Lucknow-226003.

#### AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/538/88-D-2(A) dt. 13-5-89, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the Union Bank of India in not converting Shri Gulam Haider to the

post of Armed Guard on regular basis is justified ? If not, to what relief is the workman entitled ?

2. The industrial dispute on behalf of the workman has been raised by Union Bank Employees Union (hereinafter called as Union).

3. The case of the Union is that the workman was appointed in the Union Bank on regular basis on 15-1-83 as Peon-cum-Watchman. Presently he is working in the Kutchehary Road Branch Ghazipur. The Union alleges that the name of the workman is entered in the Bank's Gun Licence as retainer and his services have been frequently utilised by the bank as Armed Guard, whenever he performs the duties of armed guard he is paid special allowances as per bipartite settlement. According to the Union para 20.18 of the first bipartite settlement the members of the sub staff whose names are registered in the Bank's Licences for Weapons as retainers shall be given preference for filling up vacancies of Armed Guards. In pursuance of the said provisions, the workman represented to the Bank's Central Office, Bombay vide his letter dt. 25-10-85 to appoint him as Armed Guard as there were about 19 clear vacancies in the different branches of the Bank in Distt. Ghazipur. Management, however, did not pay any heed to the request of the workman, although the bank management had at the same time made several new appointments of armed guards. Thereupon the Union took up the cause of the workman. The management then called the workman for interview and as expected declared him unsuitable for the post of armed guard. The management also took the plea that the workman is not an ex-serviceman. The Union alleges that in view of the frequent performance of the duties as armed guard by the workman in the absence of permanent armed guard, the workman could not have been disqualified. As per bipartite settlement, armed guard and watchman both are parts of the watch and ward staff. Therefore both are supposed to qualify the same stages for appointment in the bank. In addition to the 19 clear vacancies referred to above the management appointed armed guard directly at its various branches in Kannur and Lucknow ignoring the claim of the workman. The Union has therefore prayed that management bank be directed to post the workman as Armed Guard from the date of his representation dt. 25-10-85 to the Bank's Central Office Bombay.

4. The management, in defence, have not specifically denied the fact that the workman was appointed in the bank on 15-1-83 as a regular peon-cum-watchman and the fact that presently he is posted at Kutchehary Road Branch, Ghazipur. The management admit that the name of the workman was entered in the Gun Retainer's Licence. However, the management deny that the services of the workman had been frequently utilised as Armed Guard by the Bank. According to the management, the duties of armed guard have been performed by the workman only on very few occasions. The bank management, further plead that the Union has no locus standi in-as-much as para 20.18 of Bipartite Settlement on which the Union is relying does not confer any absolute right on the workman to claim the post of Armed Guard. The said para of the bipartite settlement simply provides for giving preference to the persons whose names are registered as retainer in the licence for weapon. It is

also pleaded by the management that despite the fact that the workman is not an ex-service men he was called for interview on 30-9-86 at Zonal Office Lucknow. He was interviewed by a panel constituted for the purposes of ascertaining his suitability for the post of armed guard as per rules of the bank. However, the members constituting the panel did not find him suitable for the post of armed guard. According to the management there is a lot of difference between a watchman and an armed guard. In fact the bank's action in not appointing the workman to the post of armed guard is perfectly in order and justified.

5. The Union has filed rejoinder but in it nothing new seems to have been alleged.

6. In support of his case the Union has examined Shri O. P. Mishra, its State President and in support of their case, the management have examined Shri S. N. Mehra Personnel Officer of the Bank. I may state here that in para 5 of his affidavit Shri Mishra has referred to filing of two documents, one copy of letter dt. 25-10-85 from the Bank's Central Office Bombay and the second copy of letter dt. 30-1-86 from the Bank's Central Office Bombay to the General Secretary, but both the documents are not found enclosed with the affidavit.

7. In his cross examination Shri Mishra has given the explanation regarding non production of the workman in the witness box. According to him since the dispute between the parties is on a policy matter, it has not been thought necessary to examine the workman as a witness. He has, however admitted that the workman was interviewed by the Interview Board on 30-9-86, and the result of the interview was communicated to the Union within six months of the date of interview.

8. He has further deposed that whenever an armed guard went on leave the workman was given a chance to work as armed guard. He was unable to tell as to for how many days he had worked as armed guard.

9. One thing which becomes clear from the above evidence is that the workman was given duty as Armed Guard only when a permanent armed guard went on leave. In other words, the workman was never appointed as an armed guard on regular basis. Another thing which becomes clear from the above evidence is that on the demand made by the Union on behalf of the workman, the workman was interviewed on 30-9-86 by the Interview Board but he could not qualify in it.

10. The Union relies on the following facts and circumstances in support of the claim of the workman.

1. That some times in leave arrangement the workman had been given duty of an armed guard;
2. that the name of the workman is entered in the gun retainers licence register;
3. that para 20.18 lays down that members of sub staff whose names are registered in the Bank's Licence for weapon as retainer shall be given preference for filling up vacancies of armed guards;
4. that armed guard and watchman both are members watch & ward staff of the bank;

5. that there existed 19 vacancies at different branches of the bank in Ghazipur District; and
6. that the workman should have been appointed as armed guard without undergoing the selection procedure of armed guards mainly on the basis of facts and circumstances mentioned above.

I have given my careful consideration to the arguments of Shri Mishra, in the light of the above facts and circumstances, but I find myself unconvinced on the point that simply on the basis of the above the workman should have been given the post of armed guard. The fact that he got appointment in the bank on regular basis as peon cum watchman goes to show that the two posts one of peon cum watchman and the other of armed guard are quite different. It is even admitted to the Union, vide para 4 of the claim statement that an armed guard gets special allowance which is not admissible to the peon cum watchman. Simply because some occasion he had performed the duties of armed guard in leave arrangement and simply because his name appears in gun retainer's licence register do not mean that he automatically becomes entitled to the post of armed guard. These facts in terms of para 20.18 of the bipartite settlement simply give some weightage at the time of selection by interview Board and nothing beyond that. It is the admitted case of the Union that when the Union took the cause of the workman with the management, the management constituted a Board to interview the workman in order to see whether or not he was suitable for the post of armed guard. The Union has vide para 7 of the claim statement admitted that interview board did not declare him successful. The Union has imputed motives to the Interview Board by saying that as expected, the workman was declared disqualified. It is easy to say than to prove. The workman who was interviewed has not appeared in the witness box to prove motive on the part of or the members of the Interview Board. I am not impressed by the argument that there should not have been any selection test by the management in respect of the workman who should have been automatically given the posting as armed guard. For every post there is a selection procedure in order to judge the suitability of a candidate. If a candidate fails and is found unsuitable, he could not claim the post for which test has been held. If the arguments of Shri Mishra is accepted it will lead to a lot of confusion and mismanagement. Any body who has worked in leave arrangement for a few days on a higher post or a post attracting special allowance would come forward and say that because of that he should be permanently posted to that post. Rather being grateful to the management for giving an opportunity to the workman to qualify in the test, the Union is trying to push his candidature by way of back door entry. Hence, I find no force in the case set up by the Union on behalf of the workman.

11. Accordingly, I hold that the action of the Union Bank of India in not converting Shri Gulam Haider to the post of Armed Guard on regular basis is justified. He is therefore, held entitled to no relief.

12. The reference is answered accordingly.

ARJAN DEV, Presiding Officer  
[No. L-12012/538/88-D, II(A)]

का. आ. 2574 :—ओर्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आर्क बड़ौदा के प्रयत्नतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट और्योगिक विवाद में केन्द्रीय सरकार और्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-90 को प्राप्त हुआ था।

S.O. 2574.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Ahmedabad as shown in the Annexure in the Industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government on 7-9-90.

#### ANNEXURE

BEFORE SHRI H. D. PANDYA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL) AT AHMEDABAD

Reference (ITC) No. 10 of 1982.

#### ADJUDICATION :

#### BETWEEN

The Management of Bank of Baroda, Porbandar.

#### AND

The workmen employed under it.

In the matter of termination of the services of Shri A. H. Kureshi, Peon in Porbandar Branch.

#### APPEARANCES :

Shri R. V. Desai, Advocate for the Bank.

Shri G. F. Soni, Advocate for the workman.

#### AWARD

This industrial dispute between the Management of Bank of Baroda, Porbandar and the workmen employed under it has been referred for arbitration under Section 10(1)(d) of the Industrial Disputes Act, 1947, to Shri G. S. Barot, Presiding Officer, Industrial Tribunal by the Government Order, Ministry of Labour, New Delhi's No. L-12012/164/812, U(A) dated 27th April, 1982 and subsequently transferred to me by appropriate order.

2. The dispute relates to a single demand of the workmen which is as under :—

“Whether the action of the management of Bank of Baroda, Rajkot Region in relation to their Porbandar Branch in terminating the services of Shri A. H. Kureshi, Peon under Order No. STF : 4/187 dated 13-2-1979, is justified ? If not, to what a relief is the workman concerned entitled ?”

3. The workman Shri Alarakha Hasan Kureshi has filed his statement of claim at Ex. 3 in which he has alleged that he was serving as Peon in the first party bank from 2-7-1973. On or about 28-4-1978 he received a Memo in English from the first party Bank

and that the same was replied by the Union representative in English on or about 13-6-1978 stating his position etc. as he being illiterate man. He further alleged that he had not tampered with his savings bank account No. 1285 as the Ledgers etc. do not remain in his possession. He was merely a peon in the Bank. Thereafter on or about 7-4-1978 the Manager called him and ordered him to pay about Rs. 200/- as the same was withdrawn over and above the balance in his account failing which he would lose his service. Under this threat for the safety of his service he had no alternative but to deposit Rs. 200/- as ordered by the Manager. He had never tampered with the Ledger and withdrawn more amount shown against his account. At that time Ledger balance shown Rs. 279.65 and the same entry was authenticated by the Presiding Officer. The entry is not in his handwriting nor it could happen at any time. He has his savings account with the Bank and he cannot change in the Ledger as no books remain in his possession. It is not his responsibility to credit or debit in the books. He has further alleged that he had withdrawn Rs. 230/- against his balance of Rs. 279.65 P. S. He has credited Rs. 200/- under undue pressure from the Manager. He has further alleged that on or about 28-6-1978 another memo was issued to him in English which again was shown to him by Union Leader and he was given to understand that his explanation was not accepted by the Manager. These memos are prejudicially manipulated against him and it was the pressure from the Manager to get acceptance from him of the wrongful charge on 6-1-1978 through his Union representative. He had asked for extension of time for submitting his explanation which was not granted and he was not heard also. Thereafter the Manager had taken his signature on paper on which something was written in English and the same was not explained to him in Gujarati. He does not know on what he had signed and hence it is not binding to him. He does not know English. He has further alleged that he came to know that the Manager had dismissed him from the service without giving show cause notice and without giving any chance to defend himself and so he had filed a Civil Suit in the court of the Civil Judge, S. D. for his stay. However, before hearing took place he was dismissed from service and, therefore, he had to amend the suit. In that suit the management took objection that the Civil Court had no jurisdiction to hear such type of cases and hence that case was disposed of and he was directed to go to Labour Court. Thereafter the Desk Officer referred the above industrial dispute to Shri G. S. Barot as Presiding Officer of the Industrial Tribunal for adjudication and subsequently this industrial dispute was transferred to me as stated above for adjudication.

4. The first party Bank filed its written statement at Ex. 6. In this written statement they have denied the allegations made by the workman Shri Kureshi in his statement of claim. They contended that the workman Shri Kureshi had committed fraudulent withdrawal to the extent of Rs. 200/- from his account on 4-2-1978. Thereafter he had deposited Rs. 200/- in cash on 7-4-1978. Shri Kureshi has admitted the guilt and the fraud that he had committed with the Bank. Shri Kureshi had withdrawn Rs. 230/- on 4-2-1978. There was unauthorised alteration in credit entry for Rs. 349.40 and in debit entry for Rs. 260.00 on

31-1-1978. The correct credit balance was Rs. 54.61. On that day the same was altered to Rs. 254.61 and after this fraudulent alteration, the workman Shri Kureshi had legally withdrawn Rs. 200/- This alteration was done by Shri Kureshi. They further contend that they had asked for written explanation of Shri Kureshi for the above said fraud vide their letter dated 28-4-1978. Shri Kureshi did not furnish any satisfactory explanation for the above misconduct in spite of several reminders. Shri Kureshi admitted the charges levelled against him in writing on 11-4-1978. Thereafter they terminated the services of Shri Kureshi on the ground of loss of confidence as he had committed fraud with the Bank and misappropriated the said amount. They have terminated the services of Shri Kureshi by way of discharge simpliciter. They have observed the condition precedent to retrenchment. Shri Kureshi has admitted the charges and so it is not obligatory upon them to hold departmental inquiry. However, if the Court comes to the conclusion that departmental inquiry ought to have been conducted then the Court should conduct the departmental inquiry. They, therefore, prayed to dismiss the reference of Shri Kureshi.

5. The workman Allarakha Hasan is examined at Ex. 20. He has not examined any other witness. The first party Bank has examined witness Shri Lalitkumar Karunashanker Joshi at Ex. 32. The Bank has also not examined any other witness.

6. I heard the learned Advocate Shri G. F. Soni appearing on behalf of the workman Shri Kureshi and the learned Advocate Shri R. V. Desai appearing on behalf of the first party Bank.

7. Now most of the facts are not in dispute before me, they may briefly be stated as under :—

The workman Shri Kureshi was serving as a Peon in the first party Bank from July, 1973. On or about 28-4-1978 the first party Bank issued a notice to Shri Kureshi alleging that he has fraudulently and unauthorisedly made alterations in the account which was maintained by the Bank which is more particularly known as Ledger. It is alleged that on 31-1-1978 there was credit balance of only Rs. 54.61 in the account of Shri Kureshi and Shri Kureshi altered this entry and it was altered to Rs. 254.61. Thereafter Shri Kureshi withdrew Rs. 230/- from his above account on 4-2-1978. The first party Bank has produced the original Ledger as well as Xerox copy of the Ledger and also original voucher at Ex. 33. Shri Kureshi gave his reply to the above show cause notice on or about 13-6-1978 which is produced at Ex. 21. Thereafter the Bank issued one another memo to Shri Kureshi on or about 28-1-1978 and Shri Kureshi gave reply to this memo on 11 July, 1978 which is produced at Ex. 22. According to Shri Kureshi he does not know English and that the Bank Manager took his signature on the typed paper. However, he has admitted that Ex. 21 and 22 bore his signature. Thereafter on or about 7-4-1978 Shri Kureshi deposited Rs. 200/- with the Bank. Thereafter on or about 1-1-1979 the Bank discharged the services of Shri Kureshi on the ground of loss of confidence. This letter is at Ex. 14/3. In the meantime Shri Kureshi had filed a Civil Suit in the court of the Civil Judge, S. D. Porbandar and had requested Court to grant him injunction. However, in the meantime Shri Kureshi was discharged from service. There-

after the above suit of Shri Kureshi was disposed of by the Civil Judge, S. D., Porbandar on the ground that he had no jurisdiction to hear this suit and he was directed to approach the Labour Court. Thereafter the above industrial dispute was referred for adjudication.

8. Now according to Shri Kureshi when he was discharged from service he was not given any show cause notice nor any departmental inquiry was conducted against him and he was not given any opportunity to defend himself and so the order of discharge is illegal and invalid. He, therefore, urged to reinstate him in service with full back wages. The first party Bank has denied the allegations of Shri Kureshi and they have urged to dismiss the reference of Shri Kureshi.

9. In view of the above contentions of the parties, the following points arise for my determination :—

- (1) Whether Shri Kureshi proves that the Order of discharge from service passed against him is illegal and invalid as alleged ?
- (2) Whether Shri Kureshi proves that he is entitled to reinstatement in service with full back wages as alleged ?
- (3) What orders ?

10. My findings on the above points for the reasons stated hereunder are as under :—

- (1) No.
- (2) No.
- (3) As per order below.

#### REASONS

11. Now, as stated earlier, Shri Kureshi was serving as Peon in Porbandar Branch of first party Bank from July, 1973. Thereafter on or about 1-1-1979 Shri Kureshi was discharged from service on the ground of loss of confidence. Now, it is the contention of the first party Bank that Shri Kureshi had bank account with them and it bears No. 7588. On 31-1-1978 there was a credit balance of Rs. 54.61 in the account of Shri Kureshi and that Shri Kureshi made alterations in his account which is maintained in the Ledger and he altered the amount of Rs. 54.61 to Rs. 254.61 and thereafter on 4-2-1978 he withdrew Rs. 230/- from his account. Shri Kureshi has denied the above allegations of the Bank. Now the Bank has produced the original Ledger account of Shri Kureshi which is on page 344-45 of the Ledger Book. Now it can be seen from this Ledger that on 31-1-78 there was balance of Rs. 351.01 in the account of Shri Kureshi. On that day on 31-1-1978 Shri Kureshi withdrew Rs. 260/- from his account and, therefore, there was balance of Rs. 91.01. On the same day i.e. on 31-1-1978 the amount of Rs. 36.40 was transferred from the account of Shri Kureshi to Loan Account and so there was balance of Rs. 54.61 in the account of Shri Kureshi. However, the figure '2' was placed before the amount of Rs. 54.61. So even though the balance was Rs. 54.61 the alteration was made in the account of Shri Kureshi by placing 2 before 54.61 and the balance was made as Rs. 254.61. Thereafter on 2-2-1978 Rs. 24.95 was credited to

the account of Shri Kureshi and the so there was balance of Rs. 279.56 in the account of Shri Kureshi. Thereafter on 4-2-1978 Shri Kureshi withdrew Rs. 230/- from his above account. The withdrawal slip is at Ex. 23. Thus there was only Rs. 54.61 as balance in the account of Shri Kureshi on 31-1-1978. However, the said sum was altered as Rs. 254.61 and thereafter on 4-2-1978 Shri Kureshi withdrew Rs. 230/- from his account. Now according to the first party Bank Shri Kureshi was serving as a Peon at the material time and he made the above alteration in his account which was maintained in the ledger and withdrew the amount of Rs. 230/- on 4-2-1978. As stated hereinabove Shri Kureshi has denied the charges or contentions of the Bank.

12. Now as stated earlier, the Bank had given the notice to Shri Kureshi on or about 28-4-1978. The above notice is not on record. However, Shri Kureshi gave reply to this notice on 13-7-1978 which is at Ex. 21. It can be seen from the above reply Ex. 21 given by Shri Kureshi that he had narrated many facts requesting the Bank to grant mercy and he had craved for mercy. He has also requested to consider the whole matter with utmost sympathy and to decide his fate. Thus, Shri Kureshi admitted the charges levelled against him and pleaded guilty. Thereafter, Shri Kureshi has redeposited Rs. 200/- in cash on 7-4-1978 in his account. Thus Shri Kureshi had admitted his guilt. Furthermore, on or about 28-6-1978 the Bank had also sent another memo to Shri Kureshi and Shri Kureshi had given his reply on 11-7-1978 at Ex. 22 confessing the charges and pleading guilty. Thus from the above two replies Ex. 21 and Ex. 22 it is very clear that Shri Kureshi admitted the charges levelled against him. However as stated earlier, Shri Kureshi has come with the case that the Manager had called him and ordered him to pay Rs. 200/- as the same was withdrawn over and above his balance in the account failing which he threatened him to remove him from service. Now, it is in the evidence of Shri Kureshi at Ex. 20 that the above two letters bear his signatures. Now above two replies are in English. However, Shri Kureshi has stated in his cross-examination that he was member of the Union and that he had given reply through union and that the reply was prepared through union and this reply was given as per the advice of the union. Thus Shri Kureshi was the member of the Union and the above two replies even though in English language were prepared after taking advice of the union representative and the same were given through union. Therefore, it is not probable that the Manager might have got the reply typed in the office and thereafter Shri Kureshi might have signed those replies. In view of the above, there is no truth in the allegation of Shri Kureshi that the Manager kept typed reply ready and his signatures were obtained under threat.

13. Furthermore, according to Shri Kureshi he deposited Rs. 200/- because of threat given by the Manager that if he will not deposit the amount, he would be removed from the service. Now as stated above Shri Kureshi deposited the amount of Rs. 200 on 7-4-1978. There is entry to that effect in the account of Shri Kureshi. Now, if the Manager had given the threat, that would have been mentioned by Shri Kureshi in his reply Ex. 21 and 22. The same were given by Shri Kureshi after about two months after

his depositing the above amount. However, there is nothing in reply Ex. 21 or Ex. 22 that the Manager had threatened him to deposit Rs. 200/- in his account and if he will not, he will be removed from the service. It appears that Shri Kureshi had got up the above story in order to get reinstatement with full track wages in the reference.

14. Thus it is evident from the above evidence on record that on 31-1-1978 there was only balance of Rs. 54.61 in the account of Shri Kureshi. However, Shri Kureshi altered the book and the above amount of Rs. 54.61 was altered by adding figure & before Rs. 54.61, and made the balance amount of Rs. 254.61 and thereafter on 4-2-1978 he withdrew the money from the account. Shri Kureshi had admitted the above charges in his replies Ex. 21 & 22. Thus Shri Kureshi had made the above alterations in his account maintained in the Ledger of the first party Bank and thereafter he withdrew the amount of Rs. 230/-.

15. It is, however, contended by Shri G. F. Soni, the learned Advocate for the workman that the first party Bank has not given any show cause notice to Shri Kureshi nor they have held any departmental inquiry against Shri Kureshi and so the order of termination which is issued by the Bank on the ground of the above misconduct is illegal and invalid. Now it is true that the Bank has not held any departmental inquiry against Shri Kureshi. However, as stated earlier, the Bank has given notice in respect of the above misconduct. Shri Kureshi has given reply to this notice vide Ex. 21 and thereafter Shri Kureshi replied to another memo of the Bank vide Ex. 22. Thus the Bank has given show cause notice in respect of the above misconduct to Shri Kureshi and Shri Kureshi had given reply to it. Shri Kureshi had in so many words admitted the charges levelled against him in his reply Ex. 21 and 23. Therefore, in my opinion no departmental inquiry is required to be held against Shri Kureshi as he has admitted the charges levelled against him. In the case of K. D. Puri Vs. Union of India and other reported in 1983 II L.L.H. p. 908 it is held that domestic inquiry is necessary only when there is any dispute as to question of fact. If the workman admits allegations made against him then it is not necessary to conduct domestic inquiry. The principles which were laid down in the above decision apply to the facts of the reference before me. In the case before me also Shri Kureshi had admitted the charges levelled against him and, therefore, it was not necessary to hold departmental inquiry against him. Therefore, the contention of Shri Soni that as no departmental inquiry was held against him, the order discharging Shri Kureshi from service is illegal and invalid is without any merits and the same is be rejected.

16. The learned Advocate appearing on behalf of the first party Bank Shri K. V. Desai has tried to show that Shri Kureshi has been terminated from service for loss of confidence and so it is retrenchment and so it is not necessary to held any inquiry against him. According to him the Bank has complied with the provisions of Section 25. For the Industrial Disputes Act and, therefore, the order of termination issued against Shri Kureshi is legal and valid. In support of his contention he relied on the case of Shri

Ramchandra Vithuji Kothare Vs. The Industrial Court and another reported in 1985 Lab. I.C. p. 1786. In the abovesaid decision it was held that the termination for loss of confidence is also retrenchment. Now, in the case of Chandu Lal Vs. Management of M/s. Pan American World Airways Inc. reported in (1935) 2 SCC p. 727 a similar question was arose and it was held that termination of service on the ground of loss of confidence is stigmatic and does not amount retrenchment and, therefore, holding of domestic inquiry is a condition precedent. Termination of service without domestic inquiry is illegal. Thus in view of the above settled law by the Supreme Court it is crystal clear that termination of service on the ground of loss of confidence is stigmatic and it does not amount to retrenchment and, therefore, the domestic inquiry has to be held before the workman is discharged on the ground of loss of confidence. Therefore, there is no merits in the above contention of Shri R. V. Desai and so it has to be rejected. In the case before me as stated earlier, the departmental inquiry was not held against Shri Kureshi. However, as stated earlier, he has admitted the charges levelled against him and it was not necessary to hold any departmental inquiry against him.

17. Thus Shri Kureshi altered the balance amount in his account which was in the Ledger of the first party Bank. He altered the figure by placing 2 before Rs. 54.61 making it as Rs. 254.61 and thereafter he withdrew Rs. 230/- on 4-2-1978. He fraudulently altered the above amount in the Ledger in order to misappropriate the amount of the Bank. He has admitted the charges levelled against him and thereafter he was discharged from service on the ground of loss of confidence. The discharge order passed by the Bank is, therefore, legal and valid. Shri Kureshi has, therefore, not proved that the order of discharge from service passed against him is illegal and invalid.

18. Now, the order of discharge from service passed by the first party Bank against Shri Kureshi is legal and valid and, therefore, Shri Kureshi is not entitled to reinstatement and back wages. It is, however, contended by Shri G. F. Soni, the learned Advocate appearing on behalf of Shri Kureshi that the order of termination of Shri Kureshi passed by the first party Bank is very harsh and that looking to the circumstances on record, he should be awarded lesser punishment. He relied on Section 11-A of the Industrial Disputes Act, 1947, for this purpose. He also relied on the case of S. M. Sharma Vs. South Gujarat University reported in Vol. XXIII (1) 1982 (1) G.L.R. page 233. Now, before I discuss the merits of this contention it is better to refer the provisions of Section 11-A of the Industrial Disputes Act. Section 11-A of the Industrial Disputes Act which is material for our purpose is as under :—

“11A. Where an industrial dispute relating to discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge, or dismissal was not justified, it may, by its award, set aside order of discharge, or dismissal and

direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require;

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.”

19. Thus it is evident from the above provisions of Section 11A that where an industrial dispute relating to the discharge or dismissal of a workman has been referred to Tribunal etc. and in the course of adjudication proceedings the Tribunal is satisfied that the order of discharge or dismissal was not justified then it may by its award set aside the award of discharge or dismissal and direct the reinstatement of the workman on such terms and conditions, if any, it deems fit and give such another relief to the workman including the award of lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.

20. In the case of S. N. Sharma, *supra*, Gujarat High Court has narrated the factors to be taken in to consideration in imposing penalty. It was held that reformative and curative technology are also part of penalty procedure. Now in the above cited case the student had committed malpractice in the examination. In that case the question arose as to what penalty should be imposed on the student and in that case the Gujarat High Court had narrated factors to be taken into consideration in imposing penalty and other observations were made.

21. Now, in the case before me Shri Kureshi was serving as a Peon since the year 1970 in the first party Bank. As stated earlier, he fraudulently altered the amount in his own account in the Ledger of the first party Bank. He altered the figure from Rs. 54.61 to Rs. 254.61 and thereafter he withdrew Rs. 239/- from the Bank. Thus, intention of Shri Kureshi in altering the amount is very clear. He has not only committed fraud on the Bank. He has also misappropriated the amount of the Bank. Now if such a person is again reinstated in the Bank then not only his account would be unsafe but the accounts of other customers would also be at risk. Such a person who has a criminal mind cannot be reinstated more particularly in a Bank where thousands of rupees are deposited and withdrawn by the customers. Therefore in my opinion, the order passed by the Bank in discharging Shri Kureshi from the Bank is legal and valid and this order is neither harsh nor disproportionate looking to the misconduct committed by him. Therefore, there is no merits in the contention of Shri Soni that Shri Kureshi should be awarded lesser punishment and so I reject this contention.

22. Thus, it is evident from the above discussion that Shri Kureshi is not entitled to reinstatement with back wages. Shri Kureshi has not proved that he is

entitled to back wages. I, therefore answer point Nos. 1 and 2 in the negative.

23. In view of the above, the reference is dismissed. No. order as to costs.

Ahmedabad.

Date. 9th August, 1990.

H. D. PANDYA, Presiding Officer

[No. L-12012/64/81-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

नई दिल्ली, 11 मिनम्बर, 1990

का. आ. 2575 :—सर्वत्रागे राज्य बोग्या अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन्ड्रूडाग 16-9-90 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के मिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध कर्तिक राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

राजस्व ग्राम का होबली तालक जिला

नाम व नगर

पालिका सीमा

नोलानयाकानडल्ली कमवा बंगलौर बंगलौर  
चोलानयाकानडल्ली- उत्तर शहरी शेव  
गुप पंचायत

[संख्या एम-38013/20/90-एस. एस. 1]

ए. के. भट्टाराई, अवर मन्त्रिव

Dated New Delhi, the 11th September, 1990

S.O. 2575.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th September, 1990 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of Sections 76 and 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka namely :

Name of the revenue Village / municipal Group Panchayat	Habli	Taluk limits	District
Cholanayakana Halli	Krisaba	Bengaluru	Bangalore
Cholanayakana Halli- Group Panchayat		North	Urban- District

[No. S-38013/20/90-SS.I]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 11 अगस्त, 1990

का. आ. 2576 :—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल डेरी रिमन इन्स्टीच्यूट के प्रबंध-तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, शनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, बंगलौर के पंचायत को प्रकाशित करनी है, जो केन्द्रीय सरकार की 3-9-90 को प्राप्त हुआ था।

New Delhi, the 11th September, 1990

S.O. 2576.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Dairy Research Institute and their workmen, which was received by the Central Government on 3-9-90.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT BANGALORE

Dated, the 29th August, 1990

CENTRAL REFERENCE NO. 20/90

#### I PARTY

Shri N. Shankar, Munikrishnappa House No. 7,  
Pattalamma Temple Street Adugodi P.O.  
BANGALORE-30.

Vs.

#### II PARTY

The Director National Dairy Research Institute,  
Southern Regional Station (ICAR) Adugodi  
BANGALORE-30.

#### APPEARANCES :

Shri K. Subba Rao, Advocate—For the I Party.  
No Representation—For the II Party.

#### AWARD

This reference has been made by the Hon'ble Central Government, Ministry of Labour by exercising the powers conferred by clause (d) of sub-section (1) and Sub-section (2A) of the Section of the I.D. Act 1947, vide its order No. L-42012/46/89-IR (DU) dated 29-3-1990.

2. The point for determination as per the schedule in the reference is :—

“Whether the action of the management of National Dairy Research Institute, Bangalore in terminating the services of Shri N. Shankar w.e.f. 30-9-1985 is justified? If not, what relief the concerned workman is entitled to ?”

3. As per the claim statement, the case of the I party workman is that he was appointed as a daily-wage employee by the II party in October, 1983 and he was working at Southern Regional Station, Adugodi. The I party has stated in the claim statement that for no reason his services were terminated without any show-cause notice or retrenchment compensation. He has averred that he was working sincerely and faithfully. He has prayed that he may be reinstated.

4. It is seen from the Order of Reference that the Hon'ble Central Government has been pleased to issue a notice of reference to the Director of the II party. After the reference was made, this Tribunal has issued two notices by Registered Post Ack. Due to the II party. Hence the service on the II party has been held sufficient.

5. On 17-8-1990, after holding the service on the II party sufficient, the case was posted to 29-8-1990 (today) for evidence. Even today the II party is absent.

6. The evidence of I party has been recorded on 29-8-1990 (today). He has got himself examined and got marked Exs. W-1 and W-2.

7. The I party has stated in his evidence that in 1983 he joined the National Dairy Research Institute as a casual labourer. The II party did not give any appointment order. The I party has stated that he was working in the cultivation department of the II party at Adugodi, N.D.R.I. The I party has stated that the II party was giving him Rs. 300 per month. The I party has further stated that he worked under the II party continuously for two years. He has stated that he has worked for more than 240 days as casual labourer in a calendar year.

8. The I party has stated in his evidence that the II party terminated his services as a casual labourer in 1985 September for no reason and without issuing any show-cause notice. He has also sworn that the II party did not give him any retrenchment compensation. The I party has stated that he approached the II party Director to take him on duty. But he refused to take him on duty. The I party has prayed for reinstatement and back wages. He has stated that he is now unemployed.

9. I have extracted above the evidence of the I party. The I party has not been cross-examined. Ex. W-1 is the service certificate issued by the Scientist, Incharge Agriculture Section of II party. This is dated 27-8-1984. Ex. W-2 is another such certificate issued by the II party. Ex. W-2 also has been issued by the same person who has issued Ex. W-1. Ex. W-2 is dated 29-11-1985. Exs. W-1 and W-2 clearly show that the I party was working as Causal Labourer continuously and his work was satisfactory. It is further stated in Ex. W-2 that the character and conduct of the I party was good and that he deserved all encouragement. He is found efficient in farm work.

10. It is clear from the evidence of I party and Exs. W-1 and W-2 that the I party has worked continuously for more than 240 days and as per Ex. W-2 he has worked for more than a year, from May 1984

to September 1985. He has not been given one month's notice in writing indicating the reasons for retrenchment as contemplated Under Section 25F (a) of I.D. Act. Nor has he been given fifteen days' average pay as retrenchment compensation as contemplated under Section 25F(b).

11. The Action of the II Party, National Dairy Research Institute, Southern Regional Station (ICAR) Adugodi in terminating the services of the I party with effect from 30-9-1985 is illegal and is set aside. The II party is directed to continue the services of the I party as a casual labourer with immediate effect. Bearing in mind that II party is not responsible for the delay in disposal of this case, it is not proper to allow full back wages. The I party has stated that he was paid Rs. 300 per month for his casual labour. I am of opinion that if the II party is directed to pay a consolidated sum of Rs. 3,000 (Rupees Three Thousand only) to the I party in lieu of full back wages, ends of justice will be met. Ordered accordingly. Draw up award as stated herein.

(Dictated to the Stenographer, taken down by her, got typed and corrected by me.)  
Dt. 29-8-90.

M. B. VIJSHWANATH, Presiding Officer.  
[No. L-42012/46/89-IR(DU)(Pt.)].

नई विल्ली, 13 मितम्बर, 1990

का. आ. 2577 :—आंशोगिक विवाद अधिनियम, 1947 (1947 का 24) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फैश बाटर फिश फार्म बालाभ्रमपुरम के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंशोगिक विवाद में आंशोगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-90 को प्राप्त हुआ था।

New Delhi, the 13th September, 1990

S.O. 2577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Fresh water Fish Farm, Balabhadrapuram and their workmen, which was received by the Central Government on 11-9-90.

ANNEXURE  
BEFORE THE INDUSTRIAL TRIBUNAL AT  
HYDERABAD  
PRESENT :

Sri K. Taranadhi, B. Com., B.L., Industrial Tribunal.

Dated the 27th August, 1990.

Industrial Dispute No. 65 of 1988.

## BETWEEN :

The Workman of Fresh Water Fish Farm, Balabhadrapuram, East Godavari District. (A.P.).

AND

The Management of Fresh Water Fish Farm, Balabhadrapuram, East Godavari District. (A.P.).

## APPEARANCES :

Sri P. B. Vijaya Kumar, Advocate for the Workmen. ~

M/s. S. Venkata Reddy, C. V. Suryanarayana and S. Subramanyam Reddy, Advocates for the Management.

## AWARD

The Government of India, Ministry of Labour, by its Order No. L-42012/15/87-D.II(B), dt. 7-7-1988 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Fresh Water Fish Farm, Balabhadrapuram and their workmen to this Tribunal for adjudication :

“Whether the action of the management in terminating the services of Sri Sathi Subba Reddy is justified ? If not, to what relief the workman concerned is entitled to and from what date ?”

This reference was registered as Industrial Dispute No. 65 of 1988 and notices were issued to the parties.

2. Both parties filed their respective claims statement and counter. The case was posted from time to time and finally on 3-8-1990 both the parties filed a Memo dt. 17-7-1990 to pass an award closing the industrial dispute as the same need not be adjudicated. Hence this Memo may be treated as part and parcel of an award.

3. Hence an Award is passed accordingly. A copy of the Memo is enclosed herewith.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 27th day of August, 1990.

K. TARANADH, Industrial Tribunal.  
[No. L-42012/15/87-D.II(B)(Pt.)]  
Appendix of Evidence.

NIL

Sarma

K. TARANADH, Industrial Tribunal

BEFORE THE HON'BLE INDUSTRIAL  
TRIBUNAL AT HYDERABAD

I.D. No. 65 of 1988

BETWEEN :

S. Subba Reddi—Petitioner/Workman.

AND

Scientist-in-charge. (ICAR) Fresh Water Fish Farm, Balabhadrapuram, East Godavari District—Respondent/Management.

## MEMO OF WITHDRAWAL FILED BY THE PARTIES

It is respectfully submitted that the above I.D. was filed by the Workman seeking relief of reinstatement.

The management/respondent had filed the counter denying all the allegations and offering a employment to workman as and when his services are required on seasonal basis.

It is further submitted that the workman's case was considered by the management and his name was sponsored by the employment exchange for a regular post in the respondent organisation. The workmen was found suitable. The management by its letter No. 2-6/1989 (Admn.) 5602 offered employment to the petitioner. The petitioner has accepted the offer of employment. Under these circumstances and for the said reason of employment of workman in the respondent-organisation, the workman and respondent/management herein prays that this Hon'ble Tribunal may be pleased to pass an award closing the I.D., as the same need not be adjudicated.

Hyderabad,

Dt. 17-7-1990.

Sd/- Illegible

WORKMAN/PETITIONER

Sd/- illegible

MANAGEMENT/RESPONDENT

का. आ. 2578 :—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैस वाटर फिल पार्स, वालाभद्रमपुरम के प्रबन्धतंत्र के सबसे नियोजकों और उनके कमिकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकारण, हैदराबाद के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 11-9-90 को प्राप्त हुआ था।

S.O. 2578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Fresh Water Fish Farm, Balabhadrapuram and their workmen, which was received by the Central Government on 11-9-90.

ANNEXURE  
BEFORE THE INDUSTRIAL TRIBUNAL AT  
HYDERABAD

PRESENT :

Sri K. Taranadh. B. Com., B.L., Industrial Tribunal.

Dated the 27th August, 1990.

INDUSTRIAL DISPUTE NO. 67 OF 1988

BETWEEN :

The Workman of Fresh Water Fish Farm, Balabhadrapuram, E. G. District. (A.P.)

AND

The Management of Fresh Water Fish Farm, Balabhadrapuram, E. G. District. (A.P.).

APPEARANCES

Sri P. B. Vijaya Kumar, Advocate for the Workman.

Saiyasi S. Venkata Reddy, C. V. Suryanarayana and S. Subramanyam Reddy, Advocates for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/13/87-D.II(B) dated 7-7-1988 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Fresh Water Fish Farm, Balabhadrapuram and their workman to this Tribunal for adjudication.:

Whether the action of the management in terminating the services of Sri Manidada Goyindu is justified? If not, to what relief the workman is entitled to and from what date?"

This reference was registered as Industrial Dispute No. 67 of 1988 and notices were issued to the parties.

2. Both the parties filed their respective claims statement and counter. For enquiry the case was posted from time to time and finally on 3-8-1990 both the parties filed a Memo dt. 17-7-1990 to pass an award closing the industrial dispute as the same need not be adjudicated. This Memo is treated as part and parcel of the Award.

3. Hence an Award is passed accordingly. A copy of the said Memo is appended to this Award.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 27th day of August, 1990.

K. TARANADH, Industrial Tribunal  
[No. L-42012/13/87-D.II(B)(Pt.)]

APPENDIX OF EVIDENCE.

NIL

K. TARANADH, Industrial Tribunal.

BEFORE THE HON'BLE INDUSTRIAL  
TRIBUNAL AT HYDERABAD

I.D. No. 67 of 1988

BETWEEN :

M. Govind—Petitioner/Workman.

AND

Scientist-in-charge, ICAR, Fresh Water Fish Farm,

Bhalabhadrapuram, East Godavari Distt—  
Respondent/Management.

MEMO OF WITHDRAWAL FILED BY THE  
PARTIES

It is respectfully submitted that the above I.D., was filed by the Workman seeking relief of reinstatement.

The management/respondent had filed the counter denying all the allegations and offering employment to workman as and when his services are required on seasonal basis.

It is further submitted that the workman's case was considered by the management and his name was sponsored by the employment exchange for a regular post in the respondent organisation. The workman was found suitable. The management by its letter dt. 2-6-1989 (Admn.) 5598 offered employment to the petitioner. The petitioner has accepted the offer of employment. Under these circumstances and for the said reason of employment of workman in the respondent-organisation, the workman and respondent/management herein prays that this Hon'ble Tribunal may be pleased to pass an award closing the I.D., as the same need not be adjudicated;

Hyderabad,  
Dt. 17-7-1990.

Sd/- Illegible

counsel to the workman.

Sd/- Illegible  
counsel to Respondent

का. आ. 2579 :—आधिकारिक विवाद अधिनियम, 1947 (14 of 1947) की धारा 17 के अनुसार में, केन्द्रीय सरकार वैस्टरेन रेलवे के प्रबन्धसंतत में संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-90 को प्राप्त हुआ था।

S.O. 2579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway Neemuch and their workmen, which was received by the Central Government on 11-9-90.

ANNEXURE

BEFORE SHRI V.N. SHUKLA, PRESIDING  
OFFICER, CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL -CUM -LABOUR COURT,  
JABALPUR (M.P.)

CASE NO. CGIT/IC(R)/(8)1985.

PARTIES :

Employers in relation to the management of Western Railway, Neemuch, under the Divisional Superintendent, Western Railway, Raflam and their workman Shri Viresh Rawal S/o Shri Shivashankar

Rawal, Mehta Nivas, Bhageshwari Maha-deo Road, Neemuch-453441 (M.P.)

APPEARANCES :

For Workman.—Shri P.N. Nair, Advocate.

For Management.—Shri G.L. Gupta, Advocate.

INDUSTRY.—Railways

DISTRICT.—Neemuch (M.P.)

AWARD

Dated : 3-4-1990.

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-41025/11/83-D.II. B. Dated 8th January, 1985, for adjudication of the following dispute:—

“Whether the orders of the management of the Western Railway terminating the services of Shri Viresh Rawal ex-temporary Khalasi, Western Railway, Neemuch with effect from 30-6-1974 are valid? If not what relief Shri Rawal is entitled to?”

2. Undisputed facts of the case are that the workman was employed by the Assistant Engineer, Neemuch on 28-11-1969 in the Western Railway. Casual Labour on completion of six month continuous employment acquire temporary status and are entitled to avail the rights and privilege as admissible to temporary railway servants. It is also not disputed that the Assistant Engineer, Western Railway vide order dated 31-5-1974 terminated the services of the workman with effect from 30-6-1974. It has also not been challenged that the workman concerned was pursuing his dispute in conciliation proceedings. The A.L.C.(C) Bhopal vide his order dated 11-6-1980 closed the cases, thereafter the workman filed Writ Petition No. 140/80 before the High Court, The High Court by its Order dated 24-2-1983 directed the Government to reconsider the case of the workman and to make a reference for adjudication. In the year 1974 (M.P. No. 117/74) and 1977 (Writ Petition No. 10/77) the workman filed writ petitions. They were respectively dismissed on 25-7-1974 and 24-7-1979 on the ground that alternative remedy is available.

3. The case of the workman in brief is that he was employed as Khalasi. He attained the temporary status of Khalasi on 4-10-1970 after completing six months service and continued to serve in that capacity till 30-6-1974. His services were terminated without giving retrenchment compensation in violation of the provisions of Sec. 25F of the I.D. Act. His case was also not considered subsequently when vacancy arose. He was neither surplus nor unwanted. There are several people who are still working and their services were never terminated. He is, therefore, entitled to the declaration what his order of termination is void ab initio and he is entitled to full back wages with all consequential benefits to which he would have been entitled has he been in service.

4. Accordingly to the management, the workman was not employed as Khalasi. He was engaged as

casual labour as he along with others was rendered surplus. One month's notice for termination was given to them on 26-4-1974 but subsequently some temporary posts on being made available they were continued upto 30-6-1974, hence the termination notice was given to the workman on 31-5-1974. The workman was offered retrenchment compensation but the workman did not receive the same. There is no violation of provisions of Sec. 26F or Sec. 25G of the I.D. Act. No persons junior to him were retained in that particular unit. He was offered a post on 28-7-1974 but the workman expressed his unwillingness to work as casual labour though other retrenched senior casual labours turned up for the job on 25-9-1974. The reason was that the workman concerned was working as L.I.C. Agent from 30-9-1974 and was not inclined to accept the job of casual labour or appointment as unapproved substitute again offered to him on 20-6-1976. He was again offered payment of salary and compensation upto 22-11-74 but was not accepted by him. He is, therefore, not entitled to any relief whatsoever.

5. Reference was the issue in this case.

6. The management has proved Ex. M.1 to Ex. M.25 in support of its case and has also examined Manohar as M.W.1. The workman on his part has examined himself.

7. It is sought to be brought out in evidence that the workman was not only offered job but he also worked for some time in the meanwhile. But this has no substantial effect on the merits of the case because in case if it is held that the retrenchment of the workman was in violation of the provisions of Sec. 25F of the I.D. Act it is needless to look into the other aspects of the case.

8. The workman himself admitted that he was appointed as casual labour and he was given temporary status of Khalasi from 4-10-1970 but his status as such remained the same. Obviously, the workman had served for a couple of years continuously. He was given a retrenchment notice alright which fact has not been disputed by the workman himself.

9. But the workman has stated on oath that he was denied retrenchment compensation at the time of the termination of service. M.W.1, Manohar, who has been examined on affidavit has admitted during his cross-examination that the amount of retrenchment compensation was offered to Shri Viresh Rawal on or around 24-11-1974. It is pertinent to note that his services were terminated with effect from 30-6-1974 while he was offered retrenchment compensation on or about 24-11-1974 (Para 1 of his deposition at page 4). Thus there is obvious violation of the provisions of Sec. 25F of the I.D. Act.

10. The object of the legislature had in mind in making this condition obligatory and in making it as a condition precedent, was to partially redress the hardship caused by retrenchment. The compensation for retrenchment therefore must be paid “at the time of retrenchment”. It is implicit in the requirement to

pay compensation at the time of retrenchment that the law recognises and declares the right of the workman to compensation at the time of retrenchment, it necessarily means that a corresponding right has been created in favour of the workman. This condition is a condition precedent to a valid order of retrenchment. If, therefore, no retrenchment compensation is paid to the workmen before they are asked to go, the retrenchment order is bad and invalid and imperative in law. If the retrenchment order is invalid in law ab initio, subsequent payment of compensation cannot validate it. Even if the workman received compensation subsequent to the order of retrenchment, they will not be estopped from challenging the legality and validity of the order of retrenchment for there can be no estoppel against the statute. (See also O. P. Malhotra—On the Law of Industrial Disputes, Fourth Edn. Vol. II page 1341—1343).

11. I need not go into the details of the fact that any type of termination is a retrenchment in the eye of law as has been constantly observed by the Supreme Court and has been reiterated in the latest judgment dated 4th May, 1990 passed in several appeals nos 3241-48 of 1981 (The Punjab Land Development & Reclamation Corporation Ltd., Chandigarh Vs. The Presiding Officer, Labour Court, Chandigarh and others). It has been observed as follows in concluding paragraph of the judgment :—

“Applying the above reasonings, principles and precedents to the definition in S. 2(oo) of the Act, we hold that the “retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever except those expressly excluded in the section.”

12. That being so, the order of termination of the workman concerned is void ab initio and is liable to be set aside and the workman concerned would be deemed to be in continuous service from 1-7-1974 onwards.

13. The management has, however, shown that the workman worked for a day in the meanwhile. He is also working as Agent of the L.I.C. of India as per Ex. M[22] and Ex. M[23]. He would, therefore, not be entitled to the back wages.

14. The workman shall be deemed to be in continuous service and all consequential benefits arising therefrom except the back wages. He will be entitled to wages from the date of the award or the date of joining in service, as the case may be, if he is not serving anywhere else as Agent or otherwise. He will, however, be entitled to all the consequential benefits including seniority and fixation of pay.

15. The reference is, therefore, answered as follows :—

- (1) The orders of the management of the Western Railway terminating the services of Shri Viresh Rawal Ex-temporary Khalasi Western Railway, Neemuch, with effect from 30-6-1974 are not valid.
- (2) He will be deemed to be in continuous service and would be entitled to all consequen-

tial benefits including seniority and fixation of pay except back wages.

(3) The workman shall be entitled to the wages from the date of award if he is not serving as Agent or otherwise elsewhere or from the date of joining, as the case may be.

(4) No order as to costs.

Award is given accordingly.  
Date : 3-9-1990

V. N. SHUKLA, Presiding Officer

[N<sup>o</sup> L-41025/11/83-D.II(B) (Pt)]

का. आ. 2580:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फैज बाटर फिल फार्म, बलाभद्रापुरम के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुवंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकल्पित करती है, जो केन्द्रीय सरकार को 11-9-90 को प्राप्त हुआ था।

S.O. 2580.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Fresh Water Fish Farm, Belabhadrapuram and their workmen, which was received by the Central Government on 11-9-90.

#### ANNEXURE BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri K. Taranadh, B. Com., B.L.,  
Industrial Tribunal

Dated, the 27th August, 1990

Industrial Dispute No. 66 of 1988

BETWEEN :

The Workman of Fresh Water Fish Farm,  
Balabhadrapuram, E.G. Distt. (A.P.)

And

The Management of Fresh Water Fish Farm,  
Balabhadrapuram, E.G. District. (A.P.)

APPEARANCES :

Sri P. B. Vijya Kumar, Advocate for the  
Workmen.

Sarvasti S. Venkata Reddy, C. N. Suryanarayana  
and S. Subramanyam Reddy, Advocates  
for the Management.

#### AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/14/87-D.II(B), dated 7-7-1988 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of

Fresh Water Fish Farm, Balabhadrapuram and their workman to this Tribunal for adjudication :

"Whether the action of the Management in terminating the services of Sri Yella Butchilingam is justified ? If not, to what relief the workman is entitled to and from what date ?"

This reference was registered as Industrial Dispute No. 66 of 1988 and notices were issued to both the parties.

2. Both the parties filed their respective claim statement and counter. Enquiry was posted from time to time and finally on 3-8-1990 both parties filed a Memo dated 17-7-1990 to pass an award by closing the industrial dispute as the same need not be adjudicated. This Memo is treated as part and parcel of an award.

3. Hence an Award is passed accordingly.  
A copy of the said Memo is enclosed herewith.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 27th day of August, 1990.

K. TARANADH, Industrial Tribunal.  
[No. L-42012/14/87-D.II(B)(Pt.)]  
K. V. B. UNNY, Desk Officer.

INDUSTRIAL TRIBUNAL

Appendix of Evidence

NIL

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL AT HYDERABAD

I.D. No. 66 of 1988

BETWEEN

Y. Butchilingam.—Petitioner Workman

AND

Scientists in-charge IICAR Fresh Water Fish Farm, Bhalabhadrapuram, East Godavari Dist.—Respondent/Management.

Memo of withdrawal filed by the Parties

It is respectfully submitted that the above I.D., was filed by the workman seeking relief of reinstatement.

The management/respondent had filed the counter denying all the allegations and offering employment to workman as and when his services are required on seasonal basis.

It is further submitted that the workman's case was considered by the management and his name was sponsored by the employment exchange for a regular post in the respondent organisation. The workman was found suitable. The management by its letter No. 2-6-1989 (Admn.) 5604 offered employment to the petitioner. The petitioner has accepted the offer of employment. Under these circumstances and for the said reason of employment of workman in the respondent-organisation, the workman and respondent/management herein prays that this Hon'ble Tribunal may be pleased to pass an award by closing the I.D., as the same need not be adjudicated.

Signature illegible  
Workman/Petitioner  
Sd/- (Illegible)

Hyderabad  
Dt. 17-07-1990.

नई दिल्ली, 13 सितंबर, 1990

का. आ. 2581:—ओद्योगिक विवाद विधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार, स्टेट बैंक और प्रतिवाद के बाबू लियोज़नों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, नई दिल्ली के प्रबंध का प्राप्ति करती है, जो जो केन्द्रीय सरकार की 13-9-90 को प्राप्त हुआ था।

New Delhi, the 13th September, 1990

S.O. 2581.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 13-9-90.

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL · NEW DELHI

I. D. No. 8/90

In the matter of dispute between :

Shri Desh Raj Singh, through Adhayaksh, All Bank 4th Class Karamchari Sangh, F-750, Kamla Nagar, Agra.

Vs.

Zonal Manager, State Bank of Patiala, Zonal Office, Connaught Place, New Delhi.

#### APPEARANCES :

None for the workman.

Shri S. S. Sharma for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/269/89-IR(B-3) dated 11-6-90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the Management of State Bank of Patiala was justified in not promoting Shri Desh Raj Singh, working as Guard at Sanjay Place, Agra Branch, to the post of Havaldar, and also non-grant of gun allowance w.e.f. 1-9-1987 ? If not, to what relief the workman is entitled to ?"

2. The workman did not appear on 23-7-90 and, therefore, registered notice was ordered to be issued to the workman for 28-8-90. He did not appear even on that date. He had authorised three representatives to appear on his behalf but no representative also appeared in this case. It appears that the workman is not interested in proceeding further in this matter and therefore, no dispute award for want of prosecution by the workman is passed.

31st August, 1990.

GANPATI SHARMA, Presiding Officer

[No. L-12012/269/89-IR(B-3)]

S. C. SHARMA, Desk Officer

Sd/- (Illegible)

